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UNIVERSITE DE YAOUNDE I

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*CENTRE DE RECHERCHE ET DE  
FORMATION DOCTORALE EN SCIENCES  
HUMAINES, SOCIALES ET EDUCATIVES*

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*UNITE DE RECHERCHE ET DE  
FORMATION DOCTORALE EN SCIENCES  
HUMAINES ET SOCIALES*

**LARGE SCALE LAND ACQUISITION BY  
MULTINATIONAL COMPANIES AND ELITES IN  
CAMEROON: CASE OF THE UPPER SANAGA DIVISION  
1974-2018**

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**Option:** Economic and Social History

By

**Jaff Lionel Leinyuy**

**M.A. History**

**Jury :**

**Président :** KOUFAN MENKENE Jean, Pr, Université de Yaoundé I

**Rapporteurs :** - ESSOMBA Philippe Blaise, Pr, Université de Yaoundé I  
- KENNE Faustin, MC, Université de Yaoundé I

**Membres :** - DONG MOUGNOL Maxime, Pr, Université de Yaoundé I  
- EBALE Raymond, Pr, Université de Yaoundé I  
- NFI Joseph LON, MC, Université de Bamenda

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## LIST OF ABBREVIATIONS AND ANCRONYMS

<b>API:</b>	<i>l'Agence de Promotion des Investissement du Cameroun</i>
<b>CAMSUCO:</b>	Cameroon Sugar Company
<b>CATAC:</b>	Cameroon Center for Application of Technologies
<b>CDC:</b>	Cameroon Development Cooperation
<b>CED:</b>	Center for Environment and Development
<b>CEMAC :</b>	<i>Central African Economic and Monetary Community</i>
<b>CENEEMA:</b>	<i>National Center for Studies and Experiment on Agriculture</i>
<b>CPL:</b>	Commercial Pressure on Land
<b>CSO:</b>	Civil Society Organisation
<b>FAO:</b>	Food and Agriculture Organisation
<b>FDI:</b>	Foreign Direct Investments
<b>FOCAC:</b>	Forum for China Africa Cooperation
<b>GDP:</b>	Gross Domestic Product
<b>GESP:</b>	Growth and Employment Strategy Paper
<b>HIPC:</b>	Heavily Indebted Poor Countires Initiative
<b>ICSID:</b>	International Center for Settlement of Investment Disputes
<b>IFAD:</b>	International Fund for Agriculture Development
<b>ILC:</b>	International Land Coalition
<b>ILO:</b>	International Labour Organisation
<b>IMF :</b>	International Monetary Fund
<b>IRAD:</b>	Institute of Agricultural Research and Development
<b>IRBHO:</b>	<i>Institute de Recherche pour les huiles et Oleagineux</i>
<b>ISO:</b>	International Standard Organisation
<b>LCB:</b>	Land Consultative Board
<b>LSLA:</b>	Large Scale Land Acquistion
<b>MBOSCUDA:</b>	Mbororo Social Cultural and Development Association
<b>MNC:</b>	Multinational Companies
<b>MoUs:</b>	Memorandum of Understandings
<b>NELGA:</b>	Network for Excellence on Land Governance in Africa
<b>NES:</b>	National Engagemant Strategy
<b>NGOs:</b>	Non Governmental Organisations
<b>NUDICAM:</b>	New Destile Company of Cameroon

<b>PAR:</b>	Pressure and Release Model
<b>PRSP:</b>	Poverty Reduction Strategy Paper
<b>RELUFA:</b>	<i>Network for the Fight Against Hunger</i>
<b>SAP :</b>	Structural Adjustment Program
<b>SDO:</b>	Senior Divisional Officer
<b>SOMDIAA:</b>	<i>Societe d'Organisation de Management et de Developpement des Industries Alimentaires et Agricoles</i>
<b>SOSUCAM:</b>	<i>Societe Sucriere du Cameroun</i>
<b>UAC:</b>	United African Company
<b>UFC:</b>	United Friuts Company
<b>UN:</b>	United Nations
<b>UNVDA:</b>	Upper Noun Valley Development Authourity
<b>WADA:</b>	Wum Area Development Authority
<b>WAPV:</b>	West African plantation in Victoria
<b>WB :</b>	World Bank

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## ABSTRACT

This study titled Large Scale Land Acquisition by Multinational companies and Elites in Cameroon: Case of the Upper Sanaga Division, 1974-2018, examines the impact of large scale land acquisition by multinational companies and elite to the rural communities. Large scale acquisitions have increased in recent times because of the high demand for agricultural products in Cameroon and in the neighbouring Countries. As a result, agro-industrial companies like *Société Sucrière du Cameroun* (SOSUCAM) and the Sino-Cameroon Iko Agriculture have signed concessions with the state to acquire vast tracts of land for investments. These concessions are long term land lease that last for 99 years. Also, the elites of the division have involved in large scale land acquisition for investments and speculative motives. This raise concerns on the impact of large scale land acquisition to the rural communities with the demographic growth of the population and access to land by the rural communities that solely depend on land for their livelihood. The concept that there is vacant and unproductive land in Cameroon opened land for foreign direct investment. The land ordinance in Cameroon classify land in to three domains; public, private and national domains. Land in the rural areas is mostly classified under the national domain since most of the rural population holds land under customary land ownership that is recognise but not protected by the land ordinance. This therefore open land under this domain for acquisition by multinational companies and elites. An analytical historical method where the qualitative and quantitative techniques were used to analyse the information. Data was collected using question guide and questionnaires to enable a better grasp of land acquisition phenomenon in the division. Interviews were conducted to family heads, chiefs, common initiative group leaders, administrators, elites and in civil society organizations, villagers, workers in SOSUCAM and IKO/CATAC. Archival materials was also used to understand the evolution of this phenomenon in Cameroon. The results reveals that large scale land acquisition in the upper Sanaga division by elites and multinational companies deprived the rural communities from access to arable land which they sole depend for their livelihood and has generated conflicts with the rural communities. Large scale land acquisition does not take in to account the demographic growth and the future demands for access to land by the rural communities. Sustainability on access to land by the rural communities becomes a call for concerned. From the above findings, we recommend a need for an inclusive land law reform that takes in to cognisance the rights of the rural communities on access to arable land and for the government to revise lease contract terms that take in cognisance demographic growth and environmental impact assessment, in other to ensure a peaceful coexistence with the rural communities.

**Key Words:** Land - Agriculture - Elites - Multinational Companies

## **RESUME**

*Cette thèse intitulée « Large Scale Land Acquisition by Multinational companies and Elites in Cameroon: Case of the Upper Sanaga Division, 1974-2018», étudie la question relative à l'acquisition des terres par les sociétés multinationales et les élites. Il s'agit de grandes superficies cultivables négociées par les multinationales et les élites avec les autorités administratives sans se référer aux populations concernées. Ainsi, les sociétés Agro-industrielles comme la Société Sucrière du Cameroun (SOSUCAM) et la Sino-Cameroun Iko ont signé des concessions avec l'État pour acquérir de vastes étendues de terre pour l'investissement. Ces concessions sont valables pour une durée de 99 ans. De même, les élites du département de la Haute Sanaga impliquées dans cette opération de concession des grandes superficies se sont engagées en comptant à long terme sur la spéculation. Ceci lève le doute sur l'impact de l'acquisition des terres à grande échelle aux communautés rurales qui dépendent uniquement des terres pour leur survie. Le concept de la disponibilité et l'improductivité de la terre au Cameroun donnent l'accès direct à l'investissement étranger. L'ordonnance foncière de 1974 au Cameroun classe les terres en trois catégories : le domaine public, le domaine privé et le domaine national. Les terres dans les zones rurales sont pour la plupart classées dans le domainenational car ces terres relèvent de la propriété coutumière qui est reconnue mais n'est pas protégée par le Régime foncier. Ceci expose par conséquent les terres de ce domaine à l'acquisition par les sociétés multinationales et les élites. Pour réaliser ce travail, les techniques qualitatives et quantitatives ont été mises en exergue. La collecte des données a été faite en utilisant un guide et des questionnaires pour permettre une meilleure compréhension du phénomène de l'acquisition des terres dans le département. Des entretiens ont été réalisés avec les chefs de famille, les chefs traditionnels, les groupes d'initiative commune, les leaders, les administrateurs, les élites, les organisations de la société civile, les villageois, les travailleurs de la SOSUCAM et Iko/CATAC. Plusieurs données d'archives ont également été consultées. Les résultats révèlent que l'acquisition des terres à grande échelle dans le département de la Haute Sanaga par les élites et les sociétés multinationales prive la communauté rurale d'accéder aux terres cultivables dont elle dépend totalement pour sa survie et agénéré des conflits avec la communauté rurale. L'acquisition des terres à grande échelle ne prend pas en considération la croissance démographique et les demandes futures de l'accès aux terres par les communautés rurales. La pérennité des terres aux communautés locales devient un problème pour tous. Au vu de ces recherches, nous recommandons une réforme de la législation foncière qui prendra en considération les droits des communautés rurales à un accès aux terres cultivables. De même, le gouvernement doit revoir les termes du contrat en prenant en compte l'explosion démographique et l'impact environnemental des différents projets.*

**Mots clés :** Terres- Agriculteur-élites- Société Multinationales

## GENERAL INTRODUCTION

### General Context

Land is a vital resource that human beings need for sustenance<sup>1</sup>. Issues of large scale land acquisition, access and control of the resource have been a contentious and perennial problem in Cameroon to the local communities that solely depend on land for survival. Land was of crucial importance to economies and societies, and therefore land-based activities such as agriculture constitute the main livelihood base for a large portion of the population.<sup>2</sup> Land is an economic resource and an important factor in the formation of individual and collective identity, and in the day to day organisation of social, cultural and religious life.<sup>3</sup> Thus, secured access to productive land is critical to the rural communities that depend on agriculture for their livelihoods. Adequate access to land reduces their vulnerability to hunger and poverty and influences the capacity of the rural communities to invest in productive activities. Titled ownership of land encourages people to practice sustainable management of natural resources and develop more equitable relations with the rest of their society, thus contributing to justice, peace and sustainable development.

In Cameroon, as in most other African countries, land access, ownership and rights were influenced by a mixture of former colonial policies and customary practices, as well as post independence land reforms. These include a wide array of overlapping at times contradictory rules, laws, customs, traditions, perceptions and regulations that govern people's rights to use, control and transfer land were exercised<sup>4</sup>. Cameroon has been faced with a number of conflicting claims regarding rights to land, leading at times, to inter-ethnic conflicts, farmer-pastoralist disputes, loss of property and lives, and the aggravation of poverty in rural areas. The controversy between customary and statutory land rights often culminates in the loss of land rights by the rural population that compete for land rights with political elites, large-scale agricultural enterprises, plantations and state parastatals in Cameroon. Thus, land tenure security is not only important for agricultural production and the future of the rural masses, it also enables the rural population to equitably negotiate their future and build their capacity to undertake viable, alternative off farm activities. Effective

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<sup>1</sup>S. Moyo et al, "Land Reform and Changing Social Relations for Farm Workers in Zimbabwe", *Review of African Political Economy*, vol 2, 2000, p. 190.

<sup>2</sup> L. Cotula, *Changes in 'customary' land tenure systems in Africa*, London, International Institute for Environment and Development (IIED), 2007, p.126.

<sup>3</sup> IFAD, "*Improving access to land and tenure security: Policy*". International Fund for Agricultural Development: Palombi e Lanci, Rome.p. 42. webpage; <http://www.ifad.org/pub/policy/land/e.pdf>

<sup>4</sup>A. Ngum et al, "Small Holder Farmers access and Rights to Land:The Case of Njombe in the Littoral Region of Cameroon", *Afrika focus* volume 27, 2014, pp.32-39.

land tenure helps the rural population to use their land as collateral, renting it out or realising its true value.<sup>5</sup>

Ethnic heterogeneity, complex historical events and cultural diversity has made the customary system of land tenure to vary both in their ancient aspects as well as contemporary manifestations. The methods of land access as well as the customary and modern land tenure system influence large scale land acquisition. This is mainly because the rural population holds land under customary land ownership which is not protected by the statutory law. Elites, state parastatals, individual and organizations seeking for large tracts of land focus on the statutory law on access to land<sup>6</sup>. These generate conflicts with the rural population that holds land under customary ownership. Access to land and its control constitutes a major economic challenge and it is equally a source of diverse conflicts. The system of land ownership has been influenced by external unforeseen events. From the pre-colonial period to the post-colonial period, access to land and land ownership vary between the conservation of a traditional system which land owners are trying to preserve and the weight of modernity which has economic implications<sup>7</sup>.

The situation of land rights in Cameroon is directly linked to the historical evolution of the country. In pre-colonial Cameroon, individual land rights rarely existed. Land was collectively owned by the community or family but allowed individuals to use it according to needs in perpetuity. Succession over such land followed the family line and where a user of the land died without a successor, the land was simply reverted to the common pool for redistribution. Summarily, the land was collectively owned by the natives who had acquired it either through first settlement or through conquest. The various chiefdoms were the managers, guardians or keeper of all lands and accounted for it. Written land titles were not part of the process of ownership given that customary jurisprudence knew no writing<sup>8</sup>. This form of land ownership and arrangements with its strengths and weaknesses were only distorted following the signing of the 1884 Germano-Douala treaty formalising the

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<sup>5</sup>P. Sone, "Conflict Over Land Ownership: The case of Farmers and Cattle Graziers in the North West Region of Cameroon". *African Journal on Conflict Resolution* Volume 12(1),2012,pp. 83-101.

<sup>6</sup> F. Ndi and Simon Battrerbury, "Land grabbing and the Axis of political Conflict: Insights from South west Cameroon", *Africa Spectrum* at [www.Africa.spectrum.org](http://www.Africa.spectrum.org) , 15 August 2018 at 3:00pm, pp 58 - 72.

<sup>7</sup>P. Ahidjo, "Access to land and the system of land ownership in Northern Cameroon", *Journal of knowledge management, economics and information technology*, 2012, pp. 15-46.

<sup>8</sup> L. Fombe, Lotsmart Fonjong and Irene Sama Lang, "The Impact of Land Lenure Practices on Womens Right to Land in Anglophone Cameroon and Implications on Sustainable Development", Final Technical Report University of Buea, 2015, p.12.

annexation of Cameroon by the German colonial power<sup>9</sup>. The German administration in 1896 claimed all lands which were not effectively occupied as *herrenloss* lands, forcing the natives into *reservaats* (small reserves) and introducing a system of registering land in the *grundbuch* (a land register) which guaranteed the security of title<sup>10</sup>. With the defeat of the Germans in World War I, the French who introduced the *livret foncier* in 1932 and later in 1938 converted all native lands not effectively occupied into ‘*terre vacante et sans maitre appartenant au territoire.*’<sup>11</sup>The British in the same light granted the natives only rights of occupancy of the native lands, not equal to full ownership.

After independence and reunification of the two entities in 1960 and 1961 respectively, post-colonial Cameroon introduced the 1974 Land Ordinances to regulate land ownership and registration which were largely in the spirit of the colonialist. It attempted to nationalize all lands without land title whether or not effectively occupied lands. Sections 14(1) and 15 Ordinance No. 74-1 Of 6th July 1974 to establish rules governing national lands. Those with certificates of occupancy or *livret foncier* over land were by this new laws given ten years urban areas and fifteen years in rural areas to convert such into proper land certificates else their lands would influx into national lands according to Section 14(3) Ordinance No. 74-1 Of 6th July 1974.<sup>12</sup>This put the natives in complete disarray because the post-colonial Land Ordinance did not adequately capture the interest of the natives, the question of who owns the land and what is land ownership remain one of conjecture and confusion. The majority of the population believes that traditional authorities were the primary owners of the land and therefore pay more allegiance to traditional method of land ownership than to statutory provisions. This situation arises because although Section 1(1) Decree no 76/165 of 27th April 1976 is categorical on the fact that the land certificate issued by the state is the only official document recognising land ownership, this Decree and other land statutes fail to explain how land is acquired in the first place before seeking registration<sup>13</sup>. As a result, land ownership in everyday transaction is not generally based on land ownership as defined by the law; it is nonetheless based on ownership as defined by customs.

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<sup>9</sup> V. J. Njoh, *History of Cameroon since 1800*, Limbe, Pressbook, 1996, p. 62.

<sup>10</sup>*Ibid*, p.104.

<sup>11</sup>E. Sobsch, “Land tenure and Land conflicts in the North West region of Cameroon 1974-2008. A Historical Perspective” Ph.D thesis in History, University of Yaoundé I, April 2011, p.181.

<sup>12</sup> Ordinance no 74-1 provides that the state shall be the guardian of all lands with an intervening capacity; That only five categories qualify individual rights over land as private property, land registration being the principal category. The transit period is five years.

<sup>13</sup>*Ibid*.p.45.

The right to land by local communities and the extent to which they can benefit from land deals can only go as far as the law permits. Large scale land acquisition always neglects the interest of the communities living on the land where the laws do not recognise customary tenure and defines customary communities as tenants rather than owners of the land.<sup>14</sup> This opens the situation of the rural communities where the process of obtaining land titles is cumbersome for the poor, the illegalities in the land deals and the extent to which land deals protect the rights of the rural population is a call for concern. These issues bring to the fore the problem of accountability and legitimacy of both the process and its outcomes. The increasing individualisation of land that was previously communally owned through privatization of land registration has not only polarised the society into rich land owners and landless poor but has also exposed the failure of land registration in protecting the vulnerable groups. It creates opportunities for the minority rich to grab most of the land and transform the poor into landless wage labourers. Large scale land acquisitions have ramifications on crop producers, particularly the rural communities that depend solely on food crop cultivation for their livelihood. Although some state officials, chiefs and elites claim that LSLAs are for public interest, the local communities especially farmers, hunters, fishermen are affected in land deals. In terms of compensation, very little is done to promote, protect and respect the land rights of the rural population.

The law perception of land that easily combines elements of both statutes and customs in a society that finds itself at the boundary of tradition and modernity has reshaped people's perception of land. The rural population notion of land has drifted significantly from the traditional view of some sort of ancestral deity to an economic asset which is a factor of production, source of food and livelihood, source of wealth and habitat for settlement. Land policies have long been a source of exclusion rather than inclusion. Landownership is often the primary cause of conflict, given that the survival of most Cameroonians depends on land, struggle for its control engages people at all ranks of society<sup>15</sup>. Bearing in mind the socio-economic significance of land, it is not surprising that social or ethnic conflicts over land are occasioned by inequitable control over land. Indigenous elites, bureaucrats, and cattle graziers use their positions and wealth to acquire large tracts of land, on which they establish cattle ranches and plantations.

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<sup>14</sup> L. Fonjong et al, *Large Scale Land Acquisition: Implications to Women's Land Rights in Cameroon*, Canada, International Development Research Center, 2016 pp. 5-15.

<sup>15</sup> L. Gray and M. Kevane, "Diminished Access, Diverted Exclusion: Women and Land Tenure in Sub-Saharan Africa", *African Studies Review*, vol 42, (2), 1999, pp. 15-39.

In many cases, their activities deprive the rural population of parcels of land on which their subsistence hinges.<sup>16</sup> Communities' affected by the above dynamics must often walk long distances in search of farmland or risk encroaching on grazing lands, which may lead to conflict with pastoralists<sup>17</sup>. It is on this basis that this study seeks to situate the protracted large scale land acquisition in the Upper Sanaga division of Cameroon, a class differential analysis framework, ultimately interrogating questions of power who benefits and whose rights are proscribed. The study will analyse a historical evolution of large scale land acquisition in Cameroon that is from the pre-colonial, colonial and post- colonial era, examine the land laws in Cameroon and its implications to large scale acquisition, Identify the actors involve in large scale land acquisition ,the impacts to the rural population advocacy by civil society organizations on land related issues and changing rural land value recommendations and perspectives to bridge the negative effects of large scale land acquisition in the upper Sanaga division and Cameroon in general.

### **Motivation**

Access to land and its control constitutes a major economic challenge and it is equally a source of diverse conflicts in Cameroon. Large scale land acquisition is a phenomenon that has brought major economic challenges to the local communities. From the pre-colonial period to the post-colonial period, access to land and land ownership vary between the conservation of a traditional system which land owners are trying to preserve and the statutory law where large tracts of land have been acquired for agricultural ventures<sup>18</sup>. Land is an economic resource and an important factor in the formation of individual and collective identity and in the day-to-day organization of social, cultural and religious life. Thus, secure access to productive land is critical to the millions of poor people who live in rural areas and depend on agriculture for their livelihoods. These motivated the researcher to examine the impacts of large scale land acquisition to the rural population that depends so much on land for their sustenance.

### **Significance of the Study**

This study on large scale land acquisition in the Upper Sanaga Division of Cameroon is important in that it leads to greater conceptual clarity of land acquisition as well as a better

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<sup>16</sup>J. Rawls, *A Theory of Justice*, Oxford, Oxford University Press, 1999, pp.40-45.

<sup>17</sup> P. Kameri-Mbote, *Gender Issues in Land Tenure under Customary Law*.2005, Available at: <[http://www.capri.cgiar.org/wp/..%5Cpdf%5Cbrieff\\_land-05.pdf](http://www.capri.cgiar.org/wp/..%5Cpdf%5Cbrieff_land-05.pdf)>Accessed on 25 August 2017.

<sup>18</sup> International Fund for Agricultural Development "*Improving access to land and tenure security: Policy*".Palombi e Lanci, Rome, webpage; <http://www.ifad.org/pub/policy/land/e.pdf>.

understanding of the dynamics of the rules for accessing land in the country. The research is certain to stimulate positive action in the management of land and to improve on the existing machinery for acquiring land with the view of taking in to cognizance the importance of land to the rural communities<sup>19</sup>. This study becomes significant to the state and to the general public for it focused on large scale land acquisition which is vital to the livelihood of the rural population. The research contributes to the introduction of reforms in the domain of land law to reduce the prevalent injustice in the allocation of large scale land concessions as evident in the current uneven distribution of the resource. This is mainly because the current land does not protect customary land ownership where a majority of the rural population holds land under customary ship. Political elites, states parastatals and in some cases multinational companies used their power to acquire large tract of land for investments. This affects the rural population that depends on fragmented pieces of land for their livelihood. Thus, protecting customary land ownership in the land law will protect the rural population on access to arable land. Also, the last major land reform in the country took place in the mid-1970s during the regime of President Ahmadou Ahidjo need to be reform<sup>20</sup>.

This study identifies and examines the discriminatory incidents in the country's land right model particularly relevant for calling attention to the circumscribed access to land by vulnerable groups. This work becomes more relevant because the existing land laws such as the 1974 Land Ordinance did not specifically protect customary land ownership which opens a majority land in the rural community for large scale acquisition. This offer some insights to policy makers on the need to consider the interest of the rural community while genuinely getting them involved in designing reforms taking in to consideration the likely impacts it will have on their livelihood.

Also, land as a basic necessity to ease livelihood for all human beings needs protection for sustainability. In Cameroon, it is impossible for cultural reasons for a landless and homeless individual to live a dignified life since the resource is a pre-requisite for sustenance, stability, justice, peace, security and development. Land is considered a natural, common heritage and an exploitable resource. Land is regarded as a source of finance and power in the society<sup>21</sup>. Indeed, land is a source of economic empowerment and its acquisition and control

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<sup>19</sup>S. Munge, "The concept of equality and access to land: The case of the Anglophone region of Cameroon", PhD thesis in law, university of Buea, 2011, p.28.

<sup>20</sup> S. A. Mvondo, Ownership status of national land in Cameroon: A more nuanced view, *Development studies research journal*, vol 3, 2014, p.14.

<sup>21</sup> B.Logo. and E.Bikie, "Questioning Women's Land Status and Claims for Change"  
<http://www.law.emory.edu/wandl/WAI-studies/Cameroon.htm> Accessed on 15/09/18.



enhances one's wellbeing. Hence, the research will hopefully encourage Cameroonians to see not just the value of protecting customary land ownership but its connection to peace, justice and sustainable development to be adhered to in Cameroon.

Moreover, this work is significance to civil society organizations in sensitizing the rural population on land related issues especially organizations that deals with the rural community. One of the divers behind large scale land acquisition in Cameroon is the misconception that vast tracts of land are not used productively by the rural population, even though various sociological studies have shown that they are under traditional production systems.<sup>22</sup> Customary laws have a complex and nuanced notion of ownership that includes spaces and resources that are collectively owned by communities unlike statutory law, which only recognizes the rural community rights to use land. This work becomes important to civil society organization in the efforts to protect the rights of the rural communities in Cameroon especially on land tenure which is a source of their livelihood.

This study adds on the existing literature on land related issues and opens up research on large scale large acquisition for scholars. This work act as critical input or body of knowledge for state officials, development planners and policy makers. The study is critical because it will act as a source of reference on the state of land law in Cameroon on how customary ownership can be protected in other to reduce the negative effects of large scale land acquisition in Cameroon. This work will also contributes in the land laws which is currently undergoing reform to protect the right of the rural communities especially when signing land concessions.

### **Scope and Delimitation**

This research work accesses large scale acquisition of land in the Upper Sanaga Division of Cameroon from 1974 to 2018. This time frame has been chosen to better understand the evolution and the dynamics in the historical survey on large scale acquisition of land in Cameroon. This trend has increased due to the food crisis and the need for land for commercial, agricultural, forestry, and mining by MNCs, national elites and state parastatals.

The 1974 has been chosen as the start of this work because it was the most comprehensive legal framework governing land that can be seen in the 1974 land tenure

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<sup>22</sup> S. Nguiffo and M. Watio, *Agro Industrial Investments in Cameroon: Large Scale and Acquisition Since 2005*, London International Institute of Environment and Development, 2015, p.1.

ordinances<sup>23</sup>. This set of ordinances represented the first endeavor by the newly re-unified post-colonial state to define an institutional system to manage land use. The 1974 land ordinances declare foremost that all land is managed by the state. Fundamentally a continuation of colonial practices, Cameroon's policy of state management of land implies that private individuals or communities can only be granted access to land.

The year 2018 has been chosen as the end of this research work mainly because of the campaign by the Ministry of State Property and land tenure to reform the land ordinance in Cameroon. This work becomes interesting as it will contribute in the current campaign to reform the land laws and protect the rights of the local communities on access to land.

### **Clarification of Concepts**

The concepts that vast tracts of land are available in the rural areas give access for large scale land acquisition by multinational companies and political elites. These vast tracts of land are mostly found in rural areas, which are under traditional system of production such as hunting, ancestral sites and subsistence farming. In order to better understand the concept of land acquisition; we are going to clarify certain concepts in our work.

#### **1) Large Scale Acquisition of Land**

Views on LSLA in Africa are very diverse and scholars have different views on its definition, its relevance and its impact on Africa and the global south. Some scholars are very optimistic about the relevance and impact of LSLAs in the region, while others hold a pessimistic view. For instance, optimists are of the opinion that LSLA could contribute to a positive development in affected communities and national economies and produce good outcomes for the entire continent, if properly executed. According to this school of thought, if the process is better regulated through legislations, it could benefit the local communities in reducing poverty, increasing food supply and providing clean energy. There are similar positive views held by multinational companies seeking for land in Africa. These optimists actually recognize that the LSLA process could have problems like shady deals, large scale dispossession of peasants, and unkept promises on the part of the foreign investors. However, according to them, these issues can be resolved through regulation.

The other school of thought consists of scholars who are very pessimistic about the potential impact and relevance of LSLA on the African Continent and the global south in

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<sup>23</sup> MINDAF, Land laws in Post Independent Cameroon, available at <http://www.MINDAF.org-Cameroon>, Accessed on 13 July 2017, 2:30 pm.

general. They argue that no matter its objectives, LSLA is wrong and in the current context can provide no positive future, and land regulation is not a solution. Land grab increases the speed at which markets for land rights developed in southern economies and thus makes land, otherwise available to peasants, no longer accessible to them. The phenomenon of land grabs also further impoverishes rural farming communities<sup>24</sup>.

Large scale acquisition of land has been described by many authors as land grabbing<sup>25</sup>. Large scale land acquisition is the allotment of large portions of land through negotiation with the government. This allotments or concession can be temporary grants, absolute grant or long lease large scale acquisition to multinationals is often signed by the state which can be temporary that is for a period of five to ten years or absolute or long term concessions which can span from fifty to ninety nine year<sup>26</sup>. The acquisition takes many forms and proceeds in a wide diversity. It may be between 1000 to 500000 hectares depending on the grants. Land grabs are accelerated with developments of industrial farms by MNCs and individuals which supplies the world market and further marginalized small scale farming and local markets. The issue of large scale land acquisition started during the colonial period where the colonial masters expropriated native lands for plantation agriculture. Th wave and the dynamics evolved with time and the phenomenon continued over time.

## **2) Land concessions**

Land concession or concession agreement are grants of the rights to land or property by a government, local authority, corporation, individual or other legal entities<sup>27</sup>. The government signed agreements to grant concession of national land to multinational Companies for a period of time. These concessions are classified in to three short term for a period of five to ten years, standard concessions for a period of 10 to 18 years and long term lease for a period of 18 to 99 years. In the case of a public service concession, a private company enters into an agreement with the government to have the exclusive right to operate, maintain and carry out investment in a public utility such as a water privatization for a given number of years. Other forms of contracts between public and private entities, namely lease

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<sup>24</sup> L. Fombe et al, *Large Scale Land Acquisition and its Implications for Womens Rights in Cameroon*, International Development Research Center, Canada, 2016.p 19.

<sup>25</sup> James Keeley ,” Land Grab or Development Opportunities Agriculture Investments and International Land Deals in Africa” IIED, London 2009, p. 6.

<sup>26</sup> E. Sobseh, “Land Tenure and Land Conflicts in the North West Region of Cameroon: a Historical Perspective”, Ph.D thesis in History, University of Yaoundé I, p.97.

<sup>27</sup> W. Alden, *Land Rights and the Rush for Land : Findings of the Global Commercial Pressure on Land Research Project*, Rome, ILC, ald Domenico , 2011, p.8.

contracts and management contracts are closely related but differ from a concession in the rights of the operator and its remuneration. A lease gives a company the right to operate and maintain a public utility, but investment remains the responsibility of the public. Under a management contract the operator will collect the revenue only on behalf of the government and will in turn be paid an agreed fee.

A grant of land or property by a government may be in return for services or for a particular use, a right to undertake and profit by a specified activity, a lease for a particular purpose. A concession includes the right to use some existing infrastructure required to carry out a business. Long term concessions to foreign investors are signed by the president to grant large tracts of land for foreign direct investments<sup>28</sup>.

### 3) Multinational Companies

Multinational companies or corporations are companies that have their home based in one country but operate under the laws and customs of other countries. They can also be viewed as cooperation of diverse nationality joined together by ties of common ownership and responsive to a common management strategy<sup>29</sup>. Moreover, MNCs can also be seen as firms that owned or control income generating assets in more than one country<sup>30</sup>. They are also known as multinational enterprises or transnational corporation established in the international scenes that are engage in foreign direct investments in several countries. From the above definitions, we can say that multinational companies are companies that have their main base in one country and operate in many other countries with the aim of maximising profits and in the other hand improve the wellbeing of the people in the area of operation. This becomes problematic as whether MNCs involve in large scale acquisition of land improve the wellbeing of the local population where they operates in Cameroon. MNCs are said to be the main vehicles for foreign direct investments<sup>31</sup>. Most foreign investments are undertaken by MNCs that is why they are important in the economic development of nations.

Streeten argues that MNCs contributes in filling the gap in less developed countries by bringing in scarce capital, generating exports, enhancing local developments , training local skills, training skill labour, hiring skill expatriates manager and importing foreign

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<sup>28</sup>Ministry of Land Tenure State Property, *Land Tenure and State Land in Cameroon*, Yaounde, 2008, p.50.

<sup>29</sup> J. Dunning, *Multinational enterprises*, London, Allen and Unwin, 1971, p.18.

<sup>30</sup> F. House, *A New Imperial System the role of Multinational Cooperation's Reconsidered: Perspective on Global Power and Wealth*, London, Routledge, 2000, pp.25-30.

<sup>31</sup> P. Streeten, "Theory of Development Policy" in Dunning .J.H. (ed) *Economic Analysis and the MNC Enterprise*, London, Allen and unwin, 1974, pp.252-255

technology. Moreover, he identify a number of advantages multinationals may confer on the host communities such as the creation of jobs, promotion of competition, and generating opportunities for local entrepreneurs. However, MNCs are out mainly for profit maximisation and can influence the society positively or negatively depending on the type and manner of service rendered to the population.

#### **4) Land laws**

Land laws are the legal frame work in Cameroon that guides the acquisition of land and ownership by the states, individuals and foreign investors<sup>32</sup>. Land is very important resource for the development of Cameroon. According to the land law in Cameroon all land belongs to the state. The state can only grant access to land to private individuals and foreign investors. The state is the custodians of land in Cameroon and can only grant right to ownership. Individuals can have rights to ownership of land only with the award of a land title by the state to the individual. Foreign investors can also have right to land by signing concessions with the state where the state grant them access to land for a period of time depending on the concessions which can be short term or long term. Thus, nationals and foreigners using land are obliged to respect the rules and regulations governing land in Cameroon.

#### **5) Customary Land Ownership**

In Cameroon, customary land law refers to unwritten rules and procedures through which a rural community regulates land relations among its members, and with neighbouring or associated communities. The ways in which communities do so have marked commonality with other customary land tenure systems around the African continent, and beyond<sup>33</sup>. This is not surprising, for community-developed systems of land ownership are always rooted in the practicalities of land use, similar use systems logically generate similar rules for land ownership, access, use and transaction.

Customary land rights are tied to multiple social relationships that overlap like household, kingship networks, local communities that ensure shared access. Customary tenure regimes in many African countries entail rights to land that are derived from accepted

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<sup>32</sup> J. Keegan W. and Green Giko., *Global Marketing* 3rd edition, Prentice Hall ,New Jersey, 2002, p.12.

<sup>33</sup> W. Alden, *Whose land is it? The status of customary land tenure in Cameroon*, Center for Environment and Development, Yaounde, 2011.p.39.

membership of a social unit and are acquired through birth, affiliation or allegiance to its political authority or various transactions like gifts, loans and purchases<sup>34</sup>.

## 6) Communal Tenure Systems

Communal tenure system represents open access and shared common resources. Communal tenure does not always mean customary tenure because in some instances communal tenure is as a result of national policy and law. However, in our research work, the concepts will be used interchangeably because in the case of Cameroon, which incorporates Civil, Common and Customary law; communal land tenure is derived from pre-colonial and customary traditions. As in most African countries, customary rights of local people over land are not legally recognized in Cameroon but because of local claims to land, local involvement in the transfer of land rights is encouraged Cameroon has a long history of land acquisition for agricultural motives as far back as during its colonial era. Cameroon's appeal as a target country for agricultural land investment has increased due to its agro-ecological diversity, easy access to the Atlantic facilitation exportation, huge opportunities for irrigation, and availability of land.

Communities in regard to customary land tenure always has a link to social and spatial basis. It may mean a whole tribe or ethnic group and its territory or refer to a single settlement, village or village cluster, or hunter-gatherer band. In most cases the operational unit is the most local level, often the village. Tenure concerns at a tribal level tend to come into play only when member communities collectively find their lands threatened<sup>35</sup>. The territory, communityland area or domain is the sphere over which the community exercises jurisdiction, determines rights to the land and resources within the domain, regulates and upholds. There is always a perimeter boundary to this domain. Depending upon the terrain, this boundary may be precise and visible, such as a river or other such feature, signal by specific trees, rocks or hilltops. Where land use pressure is low and lands very extensive, the boundary might be defined as a substantial zone in itself. Lands held collectively are those customary properties which are least secure in today's world and where these areas have such high intrinsic values and frontier land expansion values. This is especially so when these common properties comprise valuable forested mineral or wildlife-rich areas. Over the 20th

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<sup>34</sup> J. Moloa Nnoko, "Who is not at the table: Land deal negotiations in south western Cameroon", PhD thesis in Sociology, Iowa state university, 2016.

<sup>35</sup>L. Cotula et al, *Changes in Customary Land Tenure Systems in Africa*, IIED, London,2007,p.20.

century, governments characteristically brought these under their direct control and even ownership.

## **7) Statutory Laws**

Statutory land laws are the legal frame work in Cameroon that guides the acquisition of land and ownership by the states, individuals and foreign investors. The coming of agro-industrial investments, biofuels, environmental and mining projects, carried out by elites or foreign investors affects customary land users. Land laws in Cameroon have evolved from pre-colonial, colonial to post-colonial era with different characteristics. Today, the 1974 land tenure ordinance that gives the state the power to manage and allocate land in Cameroon. This implies that individuals or communities are only granted access to land<sup>36</sup>. When the 1974 Ordinance was introduced, it distinguished between registered land and non- registered land. According to the Ordinance, any land that was not registered under this law is considered as national land. Land registration is the only way of acquiring land ownership in Cameroon. Subsequently, decree No. 76/165 of April 27, 1976 showcased the process of registering land to acquire a land title. It is worth noting that the State's attempt to control land was not a new phenomenon in Cameroon. There has been a long history of struggle for control or ownership of land running from the colonial land laws to post-colonial land enactments. To halt this struggle, the 1974 Ordinance has laid emphasis on the need to register land<sup>37</sup>. A major strategy of the State was to use land registration as the only means of securing one's absolute right over a piece of land.

## **8) Elites**

Elites are people from a particular community that contributes in the development of the community. There are two main categories of elites namely internal and external elites. Internal elites are individuals that live in the community and participate in the development of the community while External elite are individual that originate from a community but live outside the community and contributes in the development of the community. Some authors define elites as selected and small group of citizens or organizations that controls a large amount of power. Based on the social distinction with regard to other groups of lower strata, most of these selected groups are constantly searching differentiation as well as separation from the rest of society. Normally the concept of elite is used to analyse the groups that

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<sup>36</sup>The Ministry of State Property and Land Tenure, *Land Tenure and State Land in Cameroon*, Yaounde, 2008, p.27.

<sup>37</sup>The 1974 land ordinance on land ownership article 2 of the land 1974 land law reform, p. 9.

either control or are situated at the top of societies. The creation of an elite is also the result of their evolution throughout the history of humanity. Several groups are constantly seeking different social resources in order to define their specificity<sup>38</sup>. Elites and social distinction have a long vibrant history. Since the beginning of the Greek society and the Roman Empire social status has been relevant. Whereas Greek society was mainly broken up between free people and slaves, the social structure of ancient Rome was based on property, wealth, citizenship and freedom, with a significant importance of heredity. Even though in both societies social stratification existed, in the case of the latter social status was established through objective norms. Later on, in both Middle Ages and in Modern Times this form of distinction through the social status prevailed, and probably it could be considered as the main principle of social organization currently. Research in social sciences has emphasised the tendency of elites to persist and reproduce their power over time at political and economic levels, potentially undermining the effectiveness of institutional reforms. For instance, one specific form of elite persistence is illustrated by the existence of dynasties, a particular form of elite persistence in which a single or few family groups monopolize either political and/or economic power.

Many types of elites exist in every society depending on their activities in the society for instance political elites, economic elite's administrative elites, Social elites etc. No matter the type if the individual contributes in the development of the community, he becomes an elite of the community. One of the actors in large scale land acquisition in recent years have been the elites. The elites view land as a store of wealth and speculative investments as a result the recent rush to acquire vast tracts of land in the rural communities by elites through various ways have increase in recent years and has been a call for concern as many elites acquire vast tract of land for investments which deprives the rural poor from access to land which is a source of their livelihood. Most of these elites are rich and influential people in the society<sup>39</sup>. Creating wealth for human welfare through broadening livelihood opportunities and alternative incomes reduces pressure on land and related resources. The initiatives and projects demonstrate how institutions and local governance support wealth creation through sustainable land management. Land for Life create Wealth,

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<sup>38</sup> L. Garrida, "Elites, Political Elites and Social Change in Modern Societies », *Global Scientific Journal*, Vol 57, 2019, pp .31-49.

<sup>39</sup> S. Lipset, "Some social requisites of democracy: economic development and political legitimacy", *American Political Science Review*, 53 (1), pp. 69-105.



Transform Lives shares real-life reflects the growing demand for land by elites for sustainable development.

### **Review of Related Literature**

Research has reveals that land remains a key resource, particularly to the rural communities that depends on land for sustenance. The majority of rural dwellers rely more on land based resources for livelihoods than anywhere else in the world. However, the global financial and food crises of 2008, coupled with concerns about climate change in the last few years, have together ignited the phenomenon of large scale land acquisitions (LSLA) on the African continent, also referred to as land grabbing, green colonization or new land colonization, LSLA is a process by which both local and foreign investors acquire or lease large expanses of land in the global South for the production of exportable biofuels and food<sup>40</sup>. LSLA has repositioned Cameroon as a key player in globalization, with the largest amounts of uninhabited and perhaps more importantly underutilized land as well as poor land governance regimes. Cameroon has become a major site of interest for largescale land acquisitions. Research reveals that a number of scholars have worked on various aspects on land related issues. This works gives us an in-depth understanding of land acquisition in Cameroon and in the upper Sanaga division in particular.

Samuel Nguiffo and Michel Watio<sup>41</sup> in their work clearly provide an overview of large scale land transaction in Cameroon. They clearly shows how the phenomenon has developed the relevant legislation and the efforts of agro-industrial projects to national development. This work tackles the forestry, mining and agro-industrial sectors in Cameroon. In this research work, it is clearly stated that land allocations in Cameroon takes many sometimes in a surprising form. Multinationals companies and large Cameroonian enterprises have shown a growing interest in acquiring land in Cameroon. The general trend is focused on production for direct export which will definitely improve the national balance of payment but does not create any real added value in Cameroon. The recent wave of investment and growing demand for land in Cameroon was largely triggered by the global financial and food crises, and is likely to be intensified by the moratorium on the creation of oil palm plantations in Indonesia, increased use of biofuels by countries in the European Union, and investments by the Cameroonian elite. On the supply side, the Cameroonian government is encouraging

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<sup>40</sup> O. De Schutter, "Large Scale Investments on Farm Land", *Journal of peace studies* (38),2002, pp. 249-279.

<sup>41</sup> S. Nguiffo and Michel Watio, *Agro Industrial Investments in Cameroon: Large Scale and acquisition since 2005*, London International Institute of Environment and Development, 2015.

large-scale investments in order to achieve its economic development objectives. Another factor that has allowed this phenomenon to develop is a general lack of public information about large-scale land allocations although their ownership and use rights are recognized under current legislation, they have little power to defend their rights or oppose land allocations, and have seen their lands greatly diminished. Failure to enforce their rights more scrupulously and actively could lead to localised conflicts and ultimately create instability at the national level. The study identifies the impacts of this situation and one of the main issues that need to be addressed is the lack of transparency and access to information about the rights that are allocated to companies and their corresponding obligations. It therefore helps the researcher to understand the dynamics of large scale land acquisition in Cameroon from 2005 to 2013. In this work, we are going to tackle the upper Sanaga division of Cameroon and the consequences of large scale land acquisition to the rural Population.

Pierre Etienne Kenfack<sup>42</sup> portrays that access to information is one of the problem in the granting and management of land concessions in Cameroon. In his work, he traced out the legal framework, provide for access to information in land concessions. Multilateral organizations like the World Bank, Food and Agricultural Organization, International Fund for Agricultural Development, Organization for Economic Cooperation in Development and those interested in the phenomenon, favours the enactment of the principles, codes of conduct and guidelines to correct the negative effects of these investments. Among the corrective measures are the requirements for transparency in other to ensure that these investments are not made in an opaque manner, but through an open participatory process in which the various stake holders and interested parties have access to information. His work helps us to have an indepth knowledge on the legal framework on land transactions in Cameroon.

Mark Taylor and Lorenze Coutla<sup>43</sup>, presents that a high global demand for land is likely to continue taking in to consideration an increase in population. They present that Africa is the prime target of land rush accounting for over 134 million hectares of reported land deals in Africa. The best land is often targeted for acquisition. It is often irrigable with proximity to infrastructure making conflicts with the existing land users frequent. The authors also reveal that the local communities reaped little benefit because of poor governance including the weak protection of their resources rights. Corrupt and unaccountable decision

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<sup>42</sup> P. Kenfack, *Legal and Constitutional Framework on Access to Information in the Granting and Management of Land Concessions in Cameroon*, Yaoundé, Hervé Momo (Creative Cameroon) , 2015.

<sup>43</sup> M. Taylor and Lorenzo Cotula, *Land Rights and the Rush for Land*, Rome, Aldo, International land Coalition Secretariat, 2012.

making and policies which neglect the small land owners. Struggles over land were defining features of movements to overcome poverty, hunger, discrimination, and political repression in the 20th century. The first decade of the 21st century suggests that competition for land and natural resources is likely to continue, and even intensify. Growing demand for food, feed, fuels, and other commodities, combined with a shrinking resource base and the liberalisation of trade and investment regimes are among factors driving a new global rush for land. Lands that only a short time ago seemed marginal to the global economy are now being sought by international and national investors and speculators to an unprecedented degree, placing the latter in direct competition with local communities for access to land, water, and other natural resources.

The land rush has attracted global attention. Deals involving hundreds of thousands of hectares predictably grab the headlines. Yet the acquisition of vast areas of land for commercial production is in itself neither new, nor occurring through entirely novel arrangements. It is but the latest phase in historical processes of economic and social transformation. The new, enhanced level of demand for land-derived commodities is accelerating these processes. Where we observe harmful impacts, it is largely because of certain longstanding failures of governance, both at the national level and globally. These include the failure of land governance systems to recognise and protect the land interests of the rural poor and the political marginalisation of smallholder production, which are themselves in part a legacy of histories of colonialism and political exclusion. However, many rural land users are now finally facing the prospect of dispossession. Two billion people or one-third of humanity, are dependent on an estimated 500 million smallholder farms, in addition to a significant number of producers relying on non-timber forest products and livestock, yet it is their land and production rights that are increasingly jeopardised. Their future capacity to feed themselves may depend on decisions being taken now in the context of the global land rush. But there is also more than food security at stake.

Decisions over land use and ownership carry great potential for promoting empowerment, sustainable livelihoods and food production systems, and dignity. Bad decisions over land can equally expand and entrench poverty, inequality and disempowerment. Understanding the nature of this global rush for land is a step towards choosing paths that may be able to avoid the spectre of accelerated land loss and more general disenfranchisement for the rural poor. The authors of this work and the many people who have contributed to it share a conviction that land and resource loss by those most

dependent upon the land is neither desirable nor inevitable. Instead, the trend is man-made, by policies, laws and actions that could be more just, driven by factors that could be better managed, mitigated and channelled through processes that could be more inclusive of current land holders. The authors globally looks at land rights and the rush for land with more emphasis on Africa and Asia, we are going to focus on land acquisition in the upper sanaga division of Cameroon and its implication to the rural communities.

George Schoneveld <sup>44</sup>focused on the fact that Rapid growth of emerging economies, growing interest in biofuels as an alternative to fossil fuels and recent volatility in commodity prices have led to a marked increase in the pace and scale of foreign and national investment in land-based enterprises in the global South. Emerging evidence of the negative social and environmental effects of these large-scale land transfers and growing concern from civil society have placed global land grabs firmly on the map of global land-use change and public discourse. The author seeks to examine the processes involved in these large-scale land transfers in their comparative analysis of legal and institutional frameworks and actual practices associated with large-scale land acquisitions in Cameroon, Ghana, Mozambique, Tanzania and Zambia. Results suggest that customary rights are seldom adequately protected in the context of land negotiations despite widespread legal recognition of these rights. Furthermore, results are strikingly similar within the four countries despite a wide variety of legal and institutional frameworks for protecting customary rights and regulating large-scale land acquisition. The work covers a broad spectrum of sub Saharan Africa which gives us an indepth understanding of land deals in Sub Saharan Africa but we are going to focused on Cameroon in general and the upper sanaga division in particular.

Chris Huggins <sup>45</sup>in his work explains that the commercial land grab taking place in Africa is a heterogeneous phenomenon. The range of actors involved, the relationships between them, particularly the modes of control over land and labour, vary tremendously. Many government decision-makers have vested interests in Foreign Direct Investment in agriculture, due to their control over land, infrastructure or the potential for outright corruption. The land rush is only the most overt aspect of a more insidious pattern of external control over decisions which are critical to local livelihoods in the global South. Rather than becoming fixated only on the idea of direct foreign investment, This work consider a wider question: what is the future of agricultural production in the developing world, particularly in

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<sup>44</sup> G. Schoneveld, *Contemporary Processes of Large Scale Land Acquisition by Investors Case Study from Sub Saharan Africa*, Indonesia, Center for International Forestry Research, 2011.

<sup>45</sup> C. Huggins, *A historical perspective on the global land rush*, International land coalition, Canada, 2011.

Africa and what is the role of the smallholder farmer in the future?. Neither governments of the global South, nor international institutions that should be taking the lead on this issue have managed to answer this question without a commitment to an equitable and sustainable future for rural producers, any temporary investment is merely a distraction, not a solution. The author focused on global pressure on land for agricultural investment which helps us to understand global perspectives of the quest for land. The author did not look at aspect of large scale land acquisition which we are going to focused on in this research work.

Eric Tchinda and Cyrille Kamdem <sup>46</sup> in their work reveal that Cameroonian farmers face two tenure systems: a modern regime and a customary regime. These two regimes are perpetually confronting each other, putting farmers in a total uncertainty as to the regime to adopt to ensure the sustainability of their ventures. The work reveals that land tenure security improves agricultural productivity through the credit access it allows. The overall results confirm that land tenure security positively and significantly influences agricultural productivity. The regression has also shown that the size of the farm defined in one way or another, the perception of farmers on their level of land tenure security and therefore indicates the intensity with which land tenure security influences agricultural productivity. The recorded productivity differential indicates that smallholder farmers, because they keep small farms, feel safer and produce more than those who keep medium-sized farms. The results also show that land tenure security significantly improves the value of production per hectare of food products that are globally imported into Cameroon. Agriculture is considered a lever against poverty by Cameroon and a key tool for ensuring food security. The agro-ecological conditions of this activity are favourable, allowing diversification of production. However, agriculture has so far been unable to fully achieve its objectives. Indeed, Cameroon continues to import agricultural products despite its immense potential. As a result, its imported products in 2013 are estimated at more than FCFA 1.458 billion and exports at FCFA 1.378 billion. In addition, agriculture was unable to reassure a population in distress during the last hunger riots of February 2008.

The agricultural sector in Cameroon is vulnerable due to the absence of land tenure security for farmers. Indeed, land tenure security, which is the set of mechanisms by which the landowner is in a situation of peaceful use of the land without fear of possible expropriation is not assured to Cameroonian farmers. The latter are constantly exposed to

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<sup>46</sup> E. Tchinda and Cyrille Kamdem, *Land Tenure security: Credit Access and Agricultural Productivity in Cameroon*, African Economic Research Consortium, Nairobi, 2020.

land grabbing by urban elites, degradation of the environment and the clash between modern law and customary law<sup>47</sup>. The clash between modern law and customary law is particularly unfavourable to the development of the agricultural sector. Indeed, the presence of two opposing regimes puts farmers in a situation of uncertainty as to the decision to be made to ensure sustainability of their property. However, it should be noted that property theorists predict a negative effect of customary regimes on development. It is for the sake of promoting land tenure security that Cameroon set up the 1974 land reform complemented by Decree No. 2016/1430/PM of 27 May 2016, setting the modalities of organization and operation of the Advisory Committee on Land and Domain. This reform introduces a land title as the only instrument for securing land rights. This work helps us to understand the land regimes in Cameroon and the impacts of Agricultural productivity. However, we are going to examine the large scale land acquisition in the upper Sanaga division and its impacts in the local communities.

Rushini de Zoysa<sup>48</sup> in his work presents that there has been growing attention regarding large scale land acquisitions (LSLA) that have aroused many reservations about the direction of agricultural development. The phenomenon of international land acquisitions and its impact is still little to be understood. The rise of these agreements is particularly visible in the Global South. This sudden increase has been coined as land grabbing or neo-colonialism and warrants critical analysis in order to advocate or rebuke such claims. This trend gained momentum after the 2008 global food crisis due to speculation while financiers started taking into consideration the benefits of land as a profitable and secure form of investment. Ethiopia was used as the case study to measure the progression of vulnerability created by land reform policies that encourages such investments. Using the analytical framework of the Pressure and Release Model (PAR), the author argues that Ethiopia's land reform has systematically weakened small landholder's access to food and livelihood. This work helps us to understand the general concept of large scale land acquisition drawing example from Ethiopia.

Michael Chasukwa<sup>49</sup> reveals nature of land grabs in Malawi and their implications on food security. It employs a political economy theoretical framework in the quest to establish different underlying interests held by different actors and how these interests

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<sup>47</sup> *Ibid.*

<sup>48</sup> R. De Zoysa, *The Implication of Large Scale Land Acquisition on Small Land Holders Food Security*, Development Planning Unit, London, 2013.

<sup>49</sup> M. Chasukwa, *An Investigation of the Political Economy of Land Grab in Malawi*, Land Deal Politics Initiative, Malawi, 2013.

are pushed into policy documents using networks, narratives and institutions. Land grabs in the current wave involve direct and indirect means of acquiring land, including contract farming, outgrower schemes, co-management, Premium Fair trade and shareholding. The case of Kasinthula Cane Growers Limited confirms that land deals largely ignore the local context which poses a threat to food security and livelihoods of local community members. Dangerous assumptions have been made in defining marginal land at Kasinthula Cane Growers Limited, bearing in mind that land which is marginal to one person is a vital resource to another. The work invites policymakers to engage in a political economy analysis of land deals on offer if they are to avoid the negative repercussions of land grabs while pushing their immediate and strategic interests. This work helps us to understand land grab in Malawi and its implications to communities. Drawing inspiration from Malawi, we shall examine large scale land acquisition in the upper Sanaga Division of Cameroon by Multinational Companies and elites.

Verkijika Godlove Fanson<sup>50</sup> traced the history of Cameroon from colonial to post-colonial. In his book he points out German firms that were involved in foreign direct investments during the German rule in Cameroon. The German colonial administration was involved in large scale acquisition of land in what was described as land seizure or expropriation. This led to resistances against the German rule such as the Duala and the Bakweri resistances. His work gives us an in depth knowledge on the historical background of large scale acquisition of land in Cameroon during the colonial era.

Adwoa Yeboah<sup>51</sup> in his work reveals that support for large scale agricultural investments in Africa has been mainly premised on their employment prospects for local populations. However, despite earlier calls by Tania Li to centre labour in the land grabs debate, labour is generally invisible in both mainstream policy and academic research. This work, through a governance lens, draws attention to the implications of the global land rush on wage labour. In principle, policy frameworks that emphasized the labour potentials from large-scale land investments also gravitate towards regulations that seek to facilitate capital accumulation and mitigate negative impacts on communities congruent with Ghana's policy direction. This work assesses the political-economic context of the legislative gaps in the current governance framework for wage labour and large-scale agriculture in Ghana; characterised mainly by absent, illusively present and repressive institutions. It is supported

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<sup>50</sup> V.G Fanson, *Cameroon History for Secondary Schools and Colleges*, vol. II, London, Macmillan Ltd, 1989.

<sup>51</sup> A. Yeboah, How and Why Large Scale Agricultural Land Investment do not Create Long Term Employment Benefits: A critique of the State of Labour Regulation in Ghana, *Journal for social Sciences*, vol. LII, 2020.

with empirical findings from the nature of farm workers' incorporation into a transnational oil palm plantation in Ghana, their struggles over the nature of the investment, and the political orientation of the existing regulatory institutions. The study calls for policy measures which address power relations that shape the distribution of benefits from land investments, and also recognise structural inequalities that exist in and outside of agriculture.

Lord Aikins Andusei<sup>52</sup> in his work portrays the plunders of multinational cooperation in the African continent. The influx of Multinational Companies in to Africa has cause commercial pressure on land. Some of these companies with the aim of profit maximization seek for large tracts of land for Foreign Direct Investments in Africa. This research work helps to identify the various actors involve in large scale land acquisition in Africa. It reveals that multinational corporations are actors in large scale land acquisition in Africa which have led to the exploitation of Africa for the benefits of the company and their home based country. He reveals that these companies protect their interest first when signing concessions with African states. He denounced their activities especially on the exploitation of natural wealth from Africa. This work therefore helps us to evaluate the activities of multinational companies in Africa as agents of Neo colonialism and also gives us knowledge on multinational cooperations in Africa. In our work we are going to focused on multinational companies in Cameroon precisely in the upper Sanaga Division involved in large scale land acquisition.

Mathias Fonteh et al<sup>53</sup> portray the fact that Land is the entire non-reproducible, physical universe, including all natural resources. Land supports life and is at the centre of human culture and institutions. Thus, land holds a unique and pivotal position in the social, political, environmental and economic life of human beings. As a resource, land is different from other commodities due to its unique physical and functional characteristics. Physically, first, land can neither be manufactured nor reproduced. Thus in the economic sense, land has no cost of production, it is nature's gift to mankind. This feature prevents land from being physically moved to a better market place. Land is physically indestructible and will remain forever. Land is a physical place for carrying out vital socio-economic production and reproduction functions, like factories, residences, food production, grazing, gathering, fishing, hunting, for commerce distribution/transportation, storage, marketing/exchange of vital services and goods such as food, recreation and environmental conservation. Land is an

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<sup>52</sup> L. Aikins Andusei, *Multinational Cooperations: New Colonizers in Africa*, London, Harcam, 1989.

<sup>53</sup> M. Fonteh et al, *Guidelines for Sustainable Large Scale Land Deals in Africa*, Tunis, Food and Agriculture Organisation of the United Nations, 2017.



economic asset that can be exchanged or sold, rented or pledged as collateral for borrowing funds to enable consumption or invest in economic activities. Land is a social, cultural and ontological resource that remains an important factor in the construction of social identity, the organization of religious life and the production and reproduction of culture, within and across generations of families, lineages and communities that share and control a given physical location on the surface of the earth. Agribusinesses, investment funds and government agencies have shown a growing interest in purchasing or long-term leasing of large portions of land, mostly from developing countries and particularly in sub-Saharan Africa. This increase demand for land in Africa has opened land for large scale land acquisition for investments. This work helps us to understand the characteristics of land and the guidelines of sustainable large scale land acquisition in the sub Saharan Africa.

Victor Julius Ngoh<sup>54</sup>, trace the history of Cameroon from pre-colonial, colonial and post-colonial era. Though his work is not directly linked to this work, it helps us to identify some of the German Companies in Cameroon that were involved in large scale land acquisition and the various resistances in Cameroon during the colonial rule against land expropriation. The work helps us to develop the historical evolution of large scale land acquisition in Cameroon for precolonial to the post colonial era.

Alden Wily<sup>55</sup> reveals that Rural Cameroonians are deeply insecure in their land tenure. National law provides some security of occupancy for unregistered house plots and farms, but only to the extent that compensation is payable for loss of permanent crops or infrastructure when the government requires the land for other purposes. These include the right to grant unregistered land most of Cameroon's land area in absolute title, lease or exclusive occupancy licenses to loggers, miners, ranchers, biofuel or food entrepreneurs, or to itself in the form of State Forests. The government may do this for two reasons: first, because the legal definition of public purpose is very loose, and second because Cameroonian law fails to acknowledge customary land-holding as a mounting to real property interests and therefore according the protection of private property, including paying customary owners the market value for lands which government appropriates for public purpose. Cameroonian law or practice makes it easy for customary landowners to formally register their holdings to secure their property. Registration in Cameroon is a remote, complex and expensive process. It also converts customary lands into individualized parcels without social conditions,

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<sup>54</sup> V. Ngoh, *History of Cameroon Since 1800*, Limbe, Pressbook, 1996.

<sup>55</sup> A. Wily, *Whose land is it? The Status of Customary Land Tenure in Cameroon*, Yaounde, Center for Environment and Development, 2011.

impacting negatively upon family and community interests. In any event, registration is limited to lands which have been cleared or cultivated or physically settled with houses. In light of the fact that most of the customary estate is purposely held for non-permanent cultivation and is owned collectively, the greater part of the citizenry's land resource is especially vulnerable to allocation to grantees or buyers of government's choice. This work gives us an insight of customary land ownership in Cameroon.

Lotsmart Forjong <sup>56</sup> et al in their work explore the formal and informal rules and mechanisms employed by actors involved in LSLAs and interrogate the extent to which policy frameworks promote accountability and legitimacy in land governance in Cameroon.

This work generate gender-sensitive evidence-based knowledge that can be used by women, communities, non-state, and public actors to enhance women's rights, accountability and legitimacy in LSLA processes in Cameroon, and propose gender-inclusive strategies for formal and informal institutions that will respect, promote and protect women's rights in LSLA processes. Three purposefully selected divisions Ndian and Kupe Manengouba in the South West and Mungo in the Littoral Regions with a rich history of plantation agriculture and LSLAs were considered for the study. A number of agro-companies operate in these localities, among which the following were chosen: Sithe Global Sustainable Oil Cameroon [SG-SOC] operating in Ndian and Kupe Manengouba, PAMOL in Ndian, Société des Plantations du Haut Penja (PHP) and Cameroon Development Corporation (CDC) in Mungo. Field evidence reveals that most of the land has been acquired on national land without due process.

The processes are non-transparent and neglect the free prior informed consent of customary communities who although without security of tenure depend solely on the land for livelihood, pushing these communities therefore to resist some of the deals. To appease and get affected communities on board, investors and government enter into informal negotiations with chiefs, elites and community leaders whose land has been taken, and in the process entice these communities to cede their land by signing very vague and sometimes elusive MoUs that do not compel the investors to carry out any concrete development beneficial to the affected communities. The MoUs often contain white elephant projects or empty promises to provide roads, electricity, potable water, schools, hospitals, etc. without clear dates for their realization. Many communities refused to sign such MoUs for lack of

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<sup>56</sup> L. Fonjong et al, *Large Scale Land Acquisition and its Implications For Womens Land Rights In Cameroon*, Canada, International Development Research Center, 2017.

faith in them. A few elites and/or chiefs who signed MoUs committing their villages did so for selfish interests, without prior consultation of the population. Some of the MoUs are negotiated through coercion, intimidation or outright bribery of local chiefs and elites. In the end, community interests, particularly those of women whose livelihoods rest solely on the land and landed resources, are neglected partly because women are excluded from the process. This has sparked up legal suits, protests, petitions, and other forms of resistance against LSLAs from disgruntled villagers mostly in Ndian and Kupe Manenguba in the South West Region of Cameroon. This work gives us an understanding of large scale land acquisition in the selected areas in Cameroon. In this research work, we are going to focus on large scale land acquisition in the upper sanaga division by elites and multinational Companies.

Lorenzo Cotula<sup>57</sup> in his work portrays contractual issues for which public scrutiny is most needed to promote informed public debate on land deals. The work examines the contracts through a sustainable development lens. In this perspective for host countries, attracting investment is not an end in itself, but a means to an end. The ultimate goal is to improve living conditions whilst protecting the environment. Key issues raised are related to participation in the contracting process to economic fairness between investor and host country to the distribution of risks, costs and benefits within the host country, to the degree of integration of social and environmental concerns, and to the extent to which the balance between economic, social and environmental considerations can evolve over contract duration. In relation to many of these issues, there are real concerns that some contracts underpinning the recent wave of land acquisitions may not be fit for purpose. A number of the contracts reviewed appear to be short, unspecific documents that grant long-term rights to extensive areas of land, and in some cases priority rights over water, in exchange for seemingly little public revenue and or apparently vague promises of investment and or jobs. Also, a number of the deals are being negotiated in legal contexts where safeguards for local interests are weak, and some contracts appear not to properly address social and environmental issues. As a result, there is a substantial risk that local people may internalise costs without adequately participating in benefits, and that environmental issues are not properly factored in the contracts. This work gives us a better insight on land concession in Cameroon and Liberia.

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<sup>57</sup> L. Cotula, *Land Deals in Africa: What is in the Contract?*, International Institute for Environment and Development, London, 2011.

Fired Pearce<sup>58</sup> and the staff of the rights and resource group presents on land owners or laborers, what choice will developing countries make? In this work ,the question on development such as would developing countries choose a development path base on inclusiveness, respect for the rights of their citizens and the rule of law or will they seek a short cut to development and opt to hand over community land and natural resources to international investors and national elites? Should they turn rural citizens from land owners in to land less labourers? To provide responses to the above questions, after the finding and drawing the examples from Brazil and china, it was concluded that development can be attain when the local enterprises are liberated and local rights to land ownership protected. In Africa, nations have surrendered their economic and political control of their land and resources .In effect replicating economic systems created during the colonial era driven by resource extraction and export. This work gives us an over view of the right and ownership of land. In this work we shall focused on Cameroon precisely the upper Sanaga Division.

Paul Ahidjo<sup>59</sup> in his work on Access to land and the system of land ownership in Northern Cameroon reveals the problem of land tenure which is very sensitive issue in these regions. The government and traditional authorities give so much attention to this problem. Land represents without any doubt a home and a source of livelihood for the population. Besides, it is equally perceived as a major policy problem; for example the agrarian policy based reform has been a contemporary issue in several African countries during the last decades. The constant land disputes that have plagued both rural and urban areas confirm the interest and role of this resource in the lives of the population. Northern Cameroon is a vast geographical region made up of a populationwith diverse customs, religion and migration process.

The entire population is made up of paleo-nigratics, neo-Sudanese and pastoral nomads who practice activities such as agriculture, livestock and fisheries. The work examines the methods of land access as well as the traditional and modern land tenure system. For the population of Northern Cameroon and elsewhere, land represents a natural resource of prime importance. Access to land and its control constitutes a major economic challenge and it is equally a source of diverse conflicts. The system of land ownership has been influenced by external unforeseen events. From the pre-colonial period to the post- colonial period, access

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<sup>58</sup> F. Pearce et al, "Land Owners or Laborers, What Choice will Developing Countries Make" *Journal on Development studies*, 1999. pp.230-240.

<sup>59</sup>P. Ahidjo, "Access to land and the System of Land Ownership in Northern Cameroon", *Journal of knowledgeManagement Economics and Information Technology*, volume 4, 2012, pp. 120-134.

to land and land ownership vary between the conservation of a traditional system which land owners are trying to preserve and the weight of modernity which has economic implications.

George Schoneveld<sup>60</sup> reveals that rapid growth of emerging economies, growing interest in biofuels as an alternative to fossil fuels and recent volatility in commodity prices have led to a marked increase in the pace and scale of foreign and national investment in land-based enterprises in the global South. Emerging evidence of the negative social and environmental effects of these large-scale land transfers and growing concern from civil society have placed global land grabs firmly on the map of global land-use change and public discourse. This work provides a comparative analysis of legal and institutional frameworks and actual practices associated with large-scale land acquisitions in Ghana, Mozambique, Tanzania and Zambia. Results suggest that in many cases it is not a global land grab driven only by the private sector but also a supply-driven process in which governments and local customary entities alike are playing an active role, often bolstered by an unwavering faith in the role of foreign private sector investment to drive national and local economic development and by new opportunities for extracting rents from the land alienation process. Results also suggest that customary rights are seldom adequately protected in the context of land negotiations despite widespread legal recognition of these rights. Furthermore, results are strikingly similar within the four countries despite a wide variety of legal and institutional frameworks for protecting customary rights and regulating large-scale land acquisition. This raises an analytical challenge that we discuss in the final section as a means of distilling implications for governance. The work helps us to understand customary rights to land ownership in the selected countries. In this work we shall focus on the impacts of large scale land acquisition to the rural communities.

Harris Selod et al<sup>61</sup> in their work on What drives global land rush presents that Large scale land deals can provide opportunities for better access to capital, transfer of technology and advances in productivity and employment generation. But they carry risks of dispossession and loss of livelihoods, corruption, deterioration in local food security, environmental damage, and long-term social polarization that led some countries to recently pass legislation restricting foreign land acquisition. The results confirm the central role of agro-ecological potential as a pull factor. In contrast to the literature on foreign investment in

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<sup>60</sup> G. Schoneveld, *Contemporary Processes of Large Scale Land Acquisition by Investors: Case Study from Sub Saharan Africa*, Indonesia, Center for International Forestry Research, 2011.

<sup>61</sup> H. Selod et al, "What Drives the Global Land Rush", *Development research journal*, volume 1, 2011, pp 140-156.

general, the quality of the business climate is insignificant, whereas weak land governance and tenure security for current users make countries more attractive for investors. They focused on effects of land acquisition in general but we are going to limit our scope in Cameroon and upper sanaga division in particular.

Simon Batterburg and Ndi Frankline<sup>62</sup> reveals that Large-scale land acquisition (LSLA) by foreign interests is a major driver of agrarian change in the productive regions of Africa. Rural communities across Southwest Cameroon are experiencing a range of political conflicts resulting from LSLA, in which commercial interests are threatening local land-use practices and access to land. This work shows that the struggle to maintain or redefine livelihoods generates tension between inward competition for and outward contestation of claims to land. In Nguti Subdivision, the scene of protests against a particular agribusiness company, there is continued debate over ideas about, interests in, and perceptions of land and tenure. The authors' show how top down land acquisition marginalizes land users, leading to conflicts within communities and with the companies involved, and concludes that for an agro-project to succeed and avoid major conflicts, dominance by elite interests must give way to a more inclusive process. This work becomes interesting it gives us an in-depth knowledge on the concept of large scale land acquisition in Cameroon and the conflicts situation between the local communities in Nguti precisely in the south west region and the United States of America Multinational Company called the Herakles operating in the locality. The authors focused on conflicts between the local communities and the herakles farm in the south west region but we are going to look at large scale land acquisition by multinational companies and elites in the upper Sanaga division of Cameroon.

Lawrence Fombe, Sama Lang and et al<sup>63</sup> in their work reveals that the majority of women in Third World countries depend on land for their livelihood. Security of tenure is important for them to ensure sustainable development, especially in rural areas. In most parts of Africa, land ownership is affected by traditional values, inheritance rights and government influence. These forces have provided varying types of tenure which are detrimental to the women in rural and urban areas. Land acquisition and its development has been an emotive issue due to traditional pressures and the law as regards the process of land certification. The government and traditional administrations are highly involved in the way women own land

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<sup>62</sup> S. Batterburg and F. Ndi, "Land Grabbing and Axis in Political Conflicts: Insights from the south West", *Africa spectrum*, volume 1, 2017, pp. 116-127.

<sup>63</sup> L. Fombe, S. Lang et al, "Securing Tenure for Sustainable Livelihoods: A case of Women Land Ownership in Anglophone Cameroon" *Ethics and economic Journal*, 2013, pp. 23-39.

and subsequently develop it in Anglophone Cameroon. State authority over land acquisition is important, but the process for obtaining land title is herculean especially for the rural woman. This study illustrates that land acquisition and development by women constitute a problem because of traditional pressures and the law guiding the process of land certification. There is need to exhume the barriers of government's legal instrument that regulates the ownership of land and to revisit some traditional practices as regards land ownership that impact negatively on women in a changing and globalizing world. A compromise approach is advocated for land acquisition that can transcend traditional barriers as well as render the process of land registration more realistic especially for women.

Legal pluralism causes a degree of uncertainty about land rights, particularly for vulnerable groups, like women. In most of Anglophone Cameroon, there are basically two ways in which women can acquire land: either through family bond (users' rights) or through transactions purchase, lease, rent. In the current context of land scarcity, population mobility, urbanization and land reforms, the competitive demand for land has not only generated a diversity of struggles over land but has further complicated the prospects of women accessing land in a predominantly patriarchal setting. In Anglophone Cameroon, the majority of women does not own land or have the right to inherit land and other property where statutory laws and customary practices co-exist. Their research focused on the extent to which traditional practices and government's legal instrument inhibit women's access and ownership to land. The study aims to examine how women's land rights are undermined by both traditional and government institutions. The research work focused on Women in Anglophone Cameroon but we are going to focus on large scale land acquisition in the upper Sanaga division of Cameroon.

Sop sop Maturin, Abossolo Samuel et al <sup>64</sup>in their work on land use conflicts in the North West region: The case opposing the mbororo pastoralist and the indigenous crop cultivators in Tubah presents conflicts between the Mbororos and the indigenous people that escalates as a result of land use. In Cameroon, conflicting claims regarding rights to the management of natural resources have, over the years led to inter-ethnic conflicts and disputes between communities, especially on food crop and livestock farmers, aggravating the poverty situation in rural areas. In attempts to resolve resource management conflicts between rival groups, the approach adopted by the modern state is highly centralized and

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<sup>64</sup> D. Sop Sop, S. Abossolol et al, "Land Conflicts in the North West Region: The case opposing the Mbororo Pastoralist and the Indigenous Crop Cultivators in Tubah Sub Division", *World Wide Journal of Multidisciplinary Research and Development*, Volume 9, 2015 pp. 140-160.

mostly top-top without due consideration to the historical and cultural systems and values of the indigenous communities that constitute the country. Although some farmers have struggled to enjoy their right to use land, a culture of acknowledging their right to control land during land contention is yet to take hold. In some instances, the laws continue to be disregarded in favour of wealthy cattle gaziers against farmers' right to own land. Their research work advocates for community participation in designing natural resources management strategies and harmonization of the conflict management systems of indigenous communities with those of the modern state to provide a lasting solution to the incessant conflicts over resource exploitation to ensure peaceful co-existence. Such measures would contribute to improving the managerial, organizational and income-generating skills of community members to tackle the rising incidence of rural poverty and human deprivation. This work becomes important as it helps us to understand the dynamics of conflicts in the Tubah sub division. The work is limited only in Tubah sub division we are going to examine the large scale land acquisition and its effects in the north upper Sanaga division of Cameroon.

Lang Michael Kpughe<sup>65</sup> in his work on land disputes between the Catholic Church and indigenes in Weh fondom 1957 to 1996 reveals that the church is also an actor in large scale land acquisition in the North West region of Cameroon. He reveals that an important goal of church planting and growth in Africa was to acquire land required for the provision of public goods such as schools, clinics and cemeteries. This made the church become the owner of relatively large parcels of land in communities across Africa. As would be expected, the increasing competition over land and the ensuing conflicts which have become more and more common in the continent have not left the church unaffected. Indeed, episodes of conflict over land between churches and host communities are common in Africa's land conflict history. His work provides evidence of land conflicts between churches and members of host communities. The Roman Catholic Church in Weh in the Northwest of Cameroon is used as a case for examining the issue. Informed by the conflict theory, the author attempts an analysis of the underlying factors, dynamics and settlement of land disputes involving the church and some Weh indigenes.

The study reveals that the mounting wave of land disputes between the Catholic Church and Weh indigenes that manifested itself in the form of conflicting borderlines and

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<sup>65</sup> M. Lang Kpughe, "Land Disputes between the Catholic church and Indigenes in the Weh Fondom 1957 to 1996", *Ghana social science journal*, volume 14, no 1, 2017.



competing ownership claims which were brought about by both informal and formal institutions charged with the resolution of such conflicts<sup>66</sup>. While some of the disputes were laid to rest, others remain unsolved due to the inefficiency of customary and statutory land conflict resolution bodies as well as the attitude of the disputants. It is, therefore, time for land administration systems to be enhanced and developed to end the mal distribution of land, forestall land disputes or minimize their occurrence, and achieve a quick and effective resolution of such conflicts. The paper concludes that the Catholic Church and its host communities need to rethink their land deals. This work becomes important to our research work as it reveals the church as an actor in large scale land acquisition in the North West region. The author focused on weh in Menchum division of the North West Region. We based on the study o large scale land acquisition in the Upper Sanaga division of Cameroon.

Samuel Assembe Mvondo et al <sup>67</sup>in their work on ownership status of national land in Cameroon: A more nuanced view 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 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. 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. This work becomes important as it reveals the categories of land in Cameroon and the state as the custodian of land classified under the national domain.

Sone Patience Munge<sup>68</sup> in her work on Equality and access to land: Case of the Anglophone region of Cameroon presents that in Anglophone Cameroon; women have been oppressed by men in most aspects of life, access to land inclusive. Although the societies

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<sup>66</sup> *Ibid.*

<sup>67</sup> S. A. Mvondo, "Ownership status of national land in Cameroon: A more nuanced view", *Development studies research journal*, volume 10 number 4.2014, pp.180-200.

<sup>68</sup> S. Munge, "The Concept of Equality and Access to Land: The case of the Anglophone Region of Cameroon", PhD thesis in Law, University of Buea, 2011,

from which such patriarchal laws are found have evolved to respond to changing socio-economic and other aspects of life, issues touching on women's equal access to land have more often met with stiff resistance. Access to land has been a contentious and perennial problem in Anglophone Cameroon for women both at the family and community levels. Apparently, access to land use by women poses little or no problem in the country. The problem however is the restriction on women's access to land for ownership which carries with it the legal right to use and control land independently. This has created the problem of a lopsided pattern of access to land which is heavily tilted in favour of males to the disadvantage of women.

This inequality carries profound negative consequences on women for the additional reasons that women are more involved in agricultural activities for family sustenance than men. This discrimination is a costly constraint on their productivity and a barrier to equitable growth, peace and sustainable development of the region<sup>69</sup>. Cameroon being a country of law, both the customary and statutory laws play a greater role in regulating equal access to land in the Anglophone region. Nevertheless, the statutory land laws reflect the rules of formal equality in accessing land and this rule has not protected the inherent land rights of majority of the population who are mostly women living in the rural areas. The study finds the rules of formal equality adopted by the statutory rules instead of the rules of substantive equality falling short in the protection of equal access to land for both men and women in the region. This has stimulated the researcher to investigate if there exist some elements of inequality in our statutory land laws that accounts for the restriction of access to land experienced by women or are there some socio-economic challenges faced by women in accessing land in relation to men who are similarly situated as human beings. Findings reveal that less than 10% of women own land in the Anglophone region. Also, it is discovered that although Cameroon is apparently a democratic country upholding the principle of good governance and prioritizing the enforcement of an equitable access to land by everyone in its land laws, the country has not instituted any meaningful machinery to address the difficulties faced by majority of the population in enjoying access to land as a constitutional right. Thus, the study upholds the policy of paying particular attention to the land rights of women in the region. This is because according to the Libertarians, the right to property (land inclusive) to human beings is fundamental on the basis that God gave the earth as a common heritage to his children to be used according to their needs. It is on this premise that the concept of equality

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<sup>69</sup> *Ibid*

which is situated within the natural law theory requires that everyone is bound to respect and recognize the equal right of all no matter the normative set up of any given society. The work focused on equality paying particular attention to women in Anglophone Cameroon but we are going to on large scale land acquisition in the upper Sanaga division region and its effects on the rural population.

Juliana Maloa Nnoko Mewanu<sup>70</sup> in her work on Who is not at the table: land deals negotiations in the south western Cameroon reveals that Land deals involve multiple and nested claims by communal groups, traditional authorities, households and individuals. Inclusive decision making regarding natural resource management and large scale land transactions can enhance positive community outcomes. Such decision making can also boost the sustainability of results. The study indicates that land investors are complying with the procedures and guidelines specified in Cameroonian law for community consultation and negotiations. Nonetheless, there are serious obstacles to meaningful informed consent. Such obstacles included uncertainty regarding decision making authority over the transfer of land, low or nonexistent community assets, and deficiencies in structural and relational mechanisms. Also the current processes of transferring land-use rights are gendered and negatively affect women in particular and the communities to which they belong. The work highlight negotiating opportunities for communities within an innovative policy space and find that land transfer negotiation processes reflect differentials in power within these emerging spaces for decentralized governance. The author argued that decision-making within this forum is geared towards legitimizing investor strategy with limited integration of community needs. Place-based variations are thus crucial in understanding negotiation processes over the transfer of land. The author focused on land negotiations in the south West particularly the Herakles farm in the south west region of Cameroon. We are going to concentrate on the effects of large deal transactions in the North West region of Cameroon.

Fedrick Sjöholm<sup>71</sup> suggest that through technological transfers to their affiliates and technological spillovers to unaffiliated firms in host economy MNCs can speed up development, raise new intermediate product, facilitate international collaboration and introduce new forms of human capital. MNCs can transfer technology either directly (internally) to their foreign owned enterprises or indirectly (externally) to domestically

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<sup>70</sup> J. Maloa Mewanu, "Who is not at the Table: Land Deal Negotiations in the South Western Cameroon", Ph.D thesis in Sociology, Iowa State University, USA, 2016.

<sup>71</sup> F. Sjöholm, "Technological Gap and Spillovers in Foreign Direct Investment: Evidence from Establishing Data" *Journal of development studies*, Vol 4, 1999.

owned and controlled firms in host country. His work dwell more on foreign companies involve in large scale acquisition of land.

Kingsley Awang Ollong<sup>72</sup> traces a historical appraisal of MNCs in Cameroon and their role in the development of the state. In this work, he mostly dwells on foreign direct investment in Cameroon by MNCs. He sees MNCs as agents of underdevelopment taking the cases of the British –American tobacco company. His research focus on the analysis that MNCs were not the best partners when it comes to the development of Cameroon. The principal aim of any business entity is profit maximization in favor of its shareholders. To realize this goal, MNCs make sure they manipulate the state at all levels and in the final analysis, Cameroon benefit very little compared to what MNCs take back home as profit. Thus, as far as development in Cameroon is concerned, the role of MNCs is minimal and they should not be looked upon as solutions to the economic development of Cameroon. He limits his research on MNCs as tools of underdevelopment without focusing on MNCs and land acquisition in Cameroon and also on the impacts of their activities to the local community where they are established in Cameroon.

Henri Mangoua<sup>73</sup> in his work entitled “multinationals et développement point out MNCs as agents of development. He lays emphasis on the positive impact of multinational companies in Cameroon. He never considers the impacts of Multinational companies involve in large scale land acquisition in Cameroon.

Emmanuel Yenkong Sobseh<sup>74</sup> in his work on land tenure and land conflicts in the North West region of Cameroon present land ownership and land laws in Cameroon. He focused how land ownership and land laws have degenerated various types of conflicts in the North West region. In his work, he shows the classification of land in Cameroon that is public or state land, national land, private land; land under national domain is vulnerable to conflict. This is because the state does not protect customary ownership of land. Multinationals who come to Cameroon seek for land at the national domain. He points out many conflicts that have developed in Cameroon as a result of land basically in the North West region of Cameroon. He point out some of the conflicts that have developed such as the farmer-grazier

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<sup>72</sup> K. Awang Ollong, “Multinational companies in Cameroon, 1960-2000: A Historical Appraisal of their Role in the Development of the State”, Ph.D thesis in History, University of Yaoundé I, 2011.

<sup>73</sup> H. Mangoua, « Multinationales et développement », mémoire de licence en science économique, Université de Yaounde, 1977.

<sup>74</sup> E. Sobseh, “Land Tenure and Land Conflict in the North West Region, A Historical Perspective 1974 to 2008”, Ph.D thesis in history, University of Yaounde I, 2011

land dispute and inter-ethnic conflicts. He did not look at the impact of large scale land acquisition to the rural population.

Anne Menzel <sup>75</sup> in his work on foreign Investment, large scale land deals in Sierra Leone reveals that Sierra Leone recently attracts significant inflows of Foreign Direct Investment (FDI) in export-oriented mining and agribusiness. These investments have usually involved large-scale land deals with local communities that have been facilitated by government officials, local politicians and paramount chiefs. Affected people and communities were supposed to receive compensations for lost land and expected to find gainful employment opportunities with multinational companies. But they have often seen little of the FDI driven development that they had expected and that had been promised to them. Based on our research findings, the author discusses impacts, conflicts and security concerns related to foreign investment in mining and agribusiness in Sierra Leone. Through these descriptions and discussions the author reveals a disconcerting perspective into the uncertainties and ambiguities of FDI driven development in Sierra Leone development that has often brought no tangible betterment for affected people and communities but rather confirmed and even escalated experiences of marginalization and disappointment. Drawing experiences from Sierra Leone, we are going to focus on the impacts of large scale land acquisition in Cameroon precisely in the upper sanaga division.

Henri Mangoua <sup>76</sup> in his work entitled “multinationals et développement point out MNCs as agents of development. He lays emphasis on the positive impact of multinational companies in Cameroon. He never presents the negative impacts to the communities where they are operating.

Lionel Jaff in his work on “Multinational companies and large scale acquisition of land in Cameroon: Case of the Iko company in Nanga – Eboko”<sup>77</sup> reveals that Large scale acquisitions of land by multinational companies have increased in recent times because of the food crisis or food insecurity in Cameroon. The concept that there is vacant and unproductive land in Cameroon opened land for foreign direct investment. The land laws in Cameroon classify land into three domains; public, private and national domains. Land under the

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<sup>75</sup> A. Menzel, Foreign Investment, large scale land deals and uncertain development in sierraleone: Impacts, conflicts and security concerns, Center for conflict studies, 2015, philipps-universitat-marburg at [www. Uni-marburg-de/konfliktfres/ccswp](http://www.uni-marburg.de/konfliktfres/ccswp).

<sup>76</sup> H. Mangoua, « Multinationales et développement » mémoire de licence en science économique, Université de Yaounde, 1977.

<sup>77</sup> L. Leinyuy, “Multinational Companies and large scale acquisition of land in Cameroon: Case of the Iko Company in Nanga-Eboko”, Masters Dissertation in History, University of Yaounde I, 2018.

national domain is mostly occupied by the rural community which is opened to foreign direct investments as the state is the custodian of land in this domain. The Sino-Cameroon Iko agriculture agreement was signed between the government of Cameroon and china for the Chinese Iko company to boost agriculture in Cameroon. In the agreement, the governments grant land concessions of 10000hectares in three localities; Nanga Eboko, Njore and Santchou for a period of 99years.we focused on the 2000 hectares of land concessions in Nanga Eboko. This raised concerns as to the impacts of their activities and large scale land acquisition to the rural communities. From our findings, we came out with the conclusion that large scale acquisition of land by multinational companies negatively affects the rural communities taking the case of the Sino- Cameroon Iko agriculture in Nanga Eboko. It deprives the community from access to land which is a source of their livelihood. To overcome the negative effects, recommendations were made to ensure a peaceful coexistence with the rural communities. In this work, we are going to focus on large scale land acquisition by individuals, multinational Companies and political elites in the upper Sanaga division.

Brice Olinga in his work<sup>78</sup>reveals that the Chinese in Nanga -Eboko contributes to agricultural development in the locality. He reveals that in 1964, Ahidjo allocated land to the Taiwanese to engage in the cultivation of agricultural products precisely in Nanga Eboko.This was mainly to boost agriculture and improve on food production in Cameroon. The Taiwanese in Nanga Eboko focused on the cultivation of rice and watermelon. Their activities greatly improved on the living conditions of the local communities as many people learn how to cultivate rice and watermelon from the Taiwanese who introduce the cultivation of rice and watermelon in Nanga Eboko. Many people in Nanga Eboko are engage in the cultivation of watermelon thanks to the efforts of the Taiwanese as watermelon was introduce in the locality .Today Nanga Eboko is one of the main areas in Cameroon that supply the major cities with watermelon and many people earned their living from the cultivation of watermelon. When the Taiwanese left Cameroon in 1971 where Cameroon open diplomatic relations with the people's republic of china, land concessions and agreements were shifted from the Taiwanese to the people's republic of china. This work helps us to trace the historical evolution of foreign companies in Nanga –Eboko and the various activities carried out in the locality.

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<sup>78</sup> B. Olinga, « Les relations Sino – Camerounaises et le Developpment Agricole au Cameroun : Le Cas de la Mission Chinoise dan la Localite de Nanga- Eboko 1964-1971 », DIPES II Dissertation in History, University of Yaounde I, 2009.

Sebastian Prediger<sup>79</sup> reveals that Population growth, climate change, increasing soil degradation, growing demand for energy crops and the search for lucrative investment opportunities have strongly increased demand for agricultural land in the Global South over the last years. Some view the long- term lease or purchase of large areas of arable land by national and international investors as a development opportunity for the countries in question. Critics, on the other hand, call it landgrab and see it as a threat to small farmers livelihoods. Despite media attention and growing research interest, the extent of large- scale land acquisition in the Global South remains unknown due to patchy data and lack of transparency. Conservative estimates are provided by the Land Matrix Initiative, which documents the acquisition of land by foreign and domestic investors. According to these estimates, more than 1,500 agricultural projects covering an area of over 38 million hectares have been recorded in middle and low-income countries since 2000. This is equivalent to around 2.7 per cent of the world's arable land. Africa is the most important target region with approximately 40 per cent of all projects. Many projects focus directly or indirectly on food production approximately 60 per cent of the area.

The origin of investors can often not be clearly determined due to complex company affiliations. However, current data suggest that the most important regions of investor origin are Western Europe and Southeast Asia. More than a third of all projects are financed by investors from only five countries Malaysia, USA Great Britain, Singapore and Saudi Arabia. In the debate about potential consequences of large-scale land acquisition for the target regions, the following opportunities and risks are discussed in particular; Increases in yield as investors bring capital and expertise with them, which can lead to increasing crop yields and falling food prices if food is produced and intended for local markets in the target regions. One considerable disadvantage is that local land users lose their access to land and thus their livelihoods. Many projects actually target land that is already being used for farming. This leads to increasing land use competition in many places, often at the expense of those without documented land titles. Knowledge and technology transfer could boost the productivity of local businesses and the income of their owners. The empirical evidence related to potential spillover effects, however, is not conclusive. Some studies find positive effects, others do not. An important factor here seems to be the investor's business model positive spillover effects are more likely to occur if forms of contract farming are used. It also shows that only the larger smallholders benefit, while the smallest and other vulnerable groups are often left out.

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<sup>79</sup> S. Prediger, Large Scale Land Acquisition in the Global South: Opportunities and Challenges, *Journal of Development Studies*, Vol48 ( 1), 2018.

The implementation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security is central here. Otherwise, lack of transparency remains a major obstacle to the development of appropriate policies to protect those negatively affected by land acquisition. Increases in agricultural productivity and a more just distribution of yields are essential for securing the global food supply. The study gives us the global knowledge of large scale land acquisition in Africa and major countries involved in the rush for land.

From the above literature on large scale land acquisition, it opens a lacuna on large scale land acquisition by elites and multinational companies in Cameroon. This research work therefore seeks to fill this vacuum on land acquisition by multinational companies and elites in Cameroon with focused on the impacts to the rural communities.

### **Statement of Problem**

The main driver behind large scale land acquisition in Cameroon was the conception that vast tracts of land were not productively used in Cameroon. Customary laws has a complex and nuanced notion of ownership that includes spaces and resources that are collectively owned by communities unlike statutory law which only recognises local people's right to use land. The recent wave of investment and the growing demand for land in Cameroon was largely triggered by the global financial and food crises in 2008<sup>80</sup>. The right to land of local communities and the extent to which they can benefit from land deals can only go as far as the law permits.

Large scale land deals always neglect the interests of communities living on the land where the laws do not recognise customary tenure and define customary communities as tenants rather than owners of the land. It also exasperates the situation in customary communities where the process of obtaining land titles is cumbersome for the poor and where the definition of the notion of vacant land by the law is vague. This study raise concerns on what are the impacts of large scale land acquisition by elites and multinational companies to the rural communities? The study revisits the land regimes in Cameroon, the legality of some of the land deals and the extent to which these land deals protects the rural population. The study investigate the mechanisms through which public actions in the negotiation of large-scale land deals respect the substantive right of citizens, particularly vulnerable groups such

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<sup>80</sup> S. Nguiffo and Michel Watio, *Agro Industrial Investments in Cameroon: Large Scale and Acquisition Since 2005*, London International Institute of Environment and Development, 2015, p.4..



as women and youths in the upper Sanaga division. Equally important is interrogating the processes that exist to make multinational corporations, state parastatals, and individuals in the acquisition of large tracts of land.

### **Research Objectives**

The demand for arable land has increased at both the global and national levels in recent years. In Cameroon, large scale agro industrial enterprises, national elites and multinational corporations has increase pressure in recent years to acquire large tracts of land for agricultural investments especially in the Upper Sanaga Division of Cameroon. This research therefore examines the impacts of large scale land acquisition to the rural population. To better understand this concept of large scale land acquisition we shall;

- Examine the evolution of land laws in Cameroon that influence large scale land acquisition,
- Identify the Actors involved in large scale land acquisition in Cameroon,
- Analyse large scale land acquisition in the Upper Sanaga Division,
- Evaluate the impact of large scale land acquisition in the upper Sanaga Division
- Examine the Advocacy by civil society organization on land related issues
- Analyse the changing land value, perspectives to bridge the gap on the negative short comings and suggestions to reduce the outcome on large scale land acquisition in Cameroon.

### **Theoretical Framework**

This work is based one of the main theories in International Relations that is theory of liberalism. By the early 1970s, just as the neo functional understandings of the regional integration were losing conceptual steam, Liberalist believe that the state is not the only actor in International Relations, Non-Governmental Organizations, inter-governmental and multinational companies are actors in international relations. The liberalist image on International Relations is inclusive not just the state but other actors do partake in the International System. The liberal senses focused on integration, interdependence, institutionalism or the ways and means of global governance. Some of the assumptions of this theory were as follows; the state as well as non-state, transnational actors are important entities in world politics. Non – governmental organizations, Trans- national organization such as multinational companies, human rights and environmental groups play an important role in world politics. Liberalists also assume that the economy is a form of interdependence

and inter connectedness among both state and non state actors and that the international politics is extensive<sup>81</sup>.

Liberalism moved on the center stage within the International Relations field. Attention was turned to the increasing role of Multinational Corporation abroad and the challenge they posed to the sovereign prerogatives of states as they transited across national boundaries in the daily conduct of business transactions.

The Trans nationalists theory like realists, believe that states are important actors in the international system, but argue that increasing economic and political interdependence has decreased their ability to control their own destinies. With the spread of globalization, international non-governmental institutions such as the United Nations (UN) or the World Trade Organization (WTO) are playing an increasing role in facilitating inter-state cooperation, promoting the evolution of accepted norms, rules, and decision making procedures between states<sup>82</sup>. These institutions make cooperation more beneficial in the long-term than competition, reducing the overall chance of war. As the number of international issues regulated by these institutions has increased over time including human rights arms control, international economics, and international environmental issues national sovereignty has yielded control over matters that once were exclusively within the jurisdiction of states. These two theories affirm the fact that multinational companies are actors in international relations.

### **Methodology**

This research work on large Scale land acquisition in the Upper Sanaga Division seeks to examine the impact of large scale land acquisition by elites and multinational companies to the livelihood of the rural population. We used an analytical research method where the quantitative and qualitative techniques were adopted to bring out the findings. Data was collected using primary and secondary sources. Primary sources like oral interviews targeted administrative officials, Civil Society organisations, traditional rulers, agro industrial employees, small scale farmers and the rural population. Secondary were archival information, information from books, journals, newspapers, reports circulars decrees, ordinances. This information was carefully selected and treated by the researcher. Pie charts were used to identify the different categories of land in Cameroon. Tables and graphs were used to represent the various large scale concessions in the study area. Random sampling

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<sup>81</sup> P. Viotti and M. Kauppi, *International Relations Theories*, 5 edition, 2012, New York Longman, PP 142-148.

<sup>82</sup> J. Dunning, *Multinational Enterprises*, London, Allen and Unwin, 1971, p.15.

was used to collect the data and after the information from interviews and questionnaires administered in the rural communities and the general public, their views were interpreted and conclusions reached based on the findings in the field. Moreover, field work was also conducted in the five main sub divisions in the upper sanaga region in order to identify cases of large scale land acquisition in the locality. Also, major agro industrial projects in the division like the SOSUCAM in Mbanjock and Nkoteng, The center for transfer of technology by the Chinese in Nanga Eboko, The Koreans rice cultivation formation centers in Nkoteng and large scale farms owned by individuals in the localities of Nanga-Eboko, Minta Bibea, Nsem, Mbanjock, Lombe Yazoum and Nkoteng. Information was collected from the population and carefully interpreted and analysed.

### **Difficulties Encountered**

Like any other academic endeavor, there were some hitches that we faced in the realization of this work. One of the primordial problems faced was access to land allocation contracts. The negotiations and agreements occur behind closed doors. Actual contracts between host governments and incoming or domestic investors are not public. Most of the documents were strictly restricted for consultation in the Ministry of State property and land Tenure and the Ministry of Agriculture and Rural Development. The agreements and with the Iko Company and their reports on the effective follow up were strictly restricted to be consulted. Also, the authorities of the Sino Cameroon Iko agriculture were not willing to reveal information concerning Sino- Cameroon Iko agriculture and for the researcher to have access to their archives. However, the researcher took the courage to work closely with the Civil Society Organizations involved in monitoring the activities of foreign Companies involved in large scale acquisition of land in Cameroon. Moreover, Divisional Delegation of Agriculture and the Divisional Delegation of State Property and land tenure, gave the researcher authentic information in the locality. In the SOSUCAM, some of the information that was demanded by the researcher that was vital to boost the research work was forbidden by the Archivist at SOSUCAM as confidential.

At the level of the rural communities, we also faced the problem of gathering information from the rural communities. Some informants vehemently refused to respond to the questions especially questions that focused with the local Communities. Language barrier was also a problem as some of the informants could either speak neither French nor English. Oral informants suffered from chronology and authenticity thereby requiring much time for serious verification, selection and classification. In addition, the enclave nature of the area

due to the inadequate motorable roads that link the rural communities with the main town made displacement from one place to another difficult. The researcher had to cross rivers like river Sanaga using a boat to carry out interviews in the villages that were located across the river Sanaga.

Also access to elites for interview was a problem as most of the elites that have acquired large hectares of land and have involved in Agriculture and animal husbandry were very difficult to have access to them for interview. Most of them occupy top ranking administrative position in the government and to have access to them was a very big problem. However, Workers in elite's farms were interviewed and some of the few elites we had access were interviewed and their information greatly contributed to the realization of this work. The problems enumerated above almost paralyzed this work, but due to our determination and the help of some personalities especially the chiefs representative of Gare Esseka village who called on all the villager in the palace for us to conduct the interviews, the commissioner of Nanga Eboko and the staff of the Divisional Delegation of Agriculture and Rural development and above all the Senior Divisional Officer for Upper Sanaga Division contributed relentlessly to the realization of this work.

The corona virus pandemic affected this researcher work as the researcher when to the field when the virus was discovered in Cameroon to access individuals and some state structures was a problem in the course of the research.

### **Structure of the Work**

This research work is divided in to six chapters. Chapter one analyse the evolution of the land legislation in Cameroon from pre colonial to post colonial Cameroon. Access to land in Cameroon has evolved over time and space. In pre colonial Cameroon land was communal land where individuals have access to used land according to their needs. Individual ownership of land did not exist as land was use for the benefit of the general public. With the German colonization of Cameroon, individual ownership was incepted as guiding principles were put in place for individual to register their land. This was against one of the clause of the Germano Duala treaty that native land was to become native property. The trend continued with British and French mandate and trusteeship periods in Cameroon. After the independence and eventual reunification of Cameroon, the 1974 lands ordinance was put in place that Governs land in Cameroon uptill date. The Ordinance opens land in the rural areas for acquisition by multinational companies and elites. Chapter two examines the actors

involved in large scale land acquisition in Cameroon. From our finding, we discover that there are many actors involved in Large Scale land acquisition in Cameroon and the trend is increasing in the recent years because of the main stream development idea where governments believes that foreign direct investment is an agent of economic growth and development. The diverse actors involved in large scale land acquisition involves the state, elites , multinational companies, traditional authorities, churches which have influence the local communities in Cameroon as most of the land acquired is in the rural areas.

Chapter three examines the concept of large scale land acquisition in the upper Sanaga division by multinational companies and political elites. From our finding we discovered that in the Upper Sanaga Division multinational companies like SOSUCAM and the Sino Cameroon Iko agriculture have signed long term concessions to acquire vast tracts of land in this locality for agro-industrial investments. We also discover that elites of the upper Sanaga Division have also involved in large scale land acquisition for various reasons. Large scale land Acquisitions becomes a call for concerned as the trend is increase in the region due to the recent high demand for arable land for investments. Chapter four examines the impacts of large scale land acquisition to the rural communities in the upper Sanaga division. This concept has been a mixed blessing to the rural communities as it has affected the communities in the positive and negative domain one of the most important problem to the rural communities is access to arable land which is a source of their livelihood. Chapter five examine advocacy by civil society organizations to bridge out the negative effects of large scale land acquisition to the rural communities. The civil societies like the Centre for Environment and Development and The Network for the Fight Against Hunger in Cameroon have been very active through the land Cam project to advocates on land related issues in Cameroon in general and upper Sanaga division in particular. Also the National Engagement Strategy has raise awareness in the monitoring large scale land acquisition in Cameroon. Chapter six focused on changing land value in rural areas, recommendations and perspectives on land related issues in other to bridge the negative effects of large scale land acquisition in Cameroon and established a peaceful coexistence with the rural communites.

## CHAPTER ONE

### LAND LEGISLATION IN CAMEROON AND ITS IMPLICATIONS TO LARGE SCALE LAND ACQUISITION

#### Introduction

Land laws are the legal frame work in Cameroon that guides the acquisition of land and ownership by the states, individuals and foreign investors. Land is a very important factor in the development of Cameroonian economy as it is important for agriculture and contributes in other sectors such as tourism, mineral resources, conservation and forest areas. More than 70% of the Cameroonian population derives their livelihood and income mainly from agriculture<sup>83</sup>. Coupled to this, Urbanization has further led to increase in the value of land in Cameroon, making it a target for investors and land speculators in Cameroon. Despite the rapid population growth and urban expansion in Cameroon, Cameroon remains a predominantly rural country with just over half of its population living outside the main urban centers. The countries inhabitants remain highly dependent on land and natural resources for employment and the foundation of food security in the country.

The land reform of 1974, allowed members of communities with land rights to the land they were using, prior to the entry into force of the 1974 ordinance, to have their property in these areas recognized by means of a land title. The rural communities were predominantly the population that occupies what is today referred to as national land. Notwithstanding, the coming of agro-industrial investments, biofuels, environmental and mining projects, carried out mainly by elites and foreign investors affects customary land users. Land laws in Cameroon have evolved from pre-colonial, colonial to post-colonial era with different characteristics. Before colonization, the indigenes of Cameroon practiced communal land ownership, where land was owned by families or whole villages. Traditional heads were the trustees or custodians of the land. Every community and family member benefited from what the communal land yielded. Land was handed down from generation to generation within the family lineage and outsiders were only granted temporary use of land for specific purposes<sup>84</sup>.

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<sup>83</sup> L. Nyassi, “*The Implications of Poor Land Governance on the Reduction of Rural Poverty in Cameroon. Transparency International Cameroon*”, Presented on the World Bank Conference on Land and Poverty, 16 March 2017, p.3.

<sup>84</sup> *Ibid*, p. 5.

The coming of colonialism, Cameroon adopted a number of colonial legacy institutions which influenced the current land legislation. This era saw the introduction of state ownership of land with the 1896 crown lands act introduced by the German colonial masters which approved of their ownership of all land. Article 1 recognized the place of customary law by upholding the “*vacantes et sans maître*” land over which “private individuals or corporate bodies, chiefs or indigenous communities may be able to prove ownership rights or other real rights over<sup>85</sup>.”

German colonial Masters had the right to reallocate land and made local farmers labourers on plantations. This was closely followed by the 1927 and 1938 British and French legislations which granted them control over areas of Cameroon. Subsequent to state ownership of land was the introduction of individual land ownership procedures which began with the French Decree of 1932, where they could declare their right on land usage. With these new laws, local indigenes began losing their grasp over land especially communal land. Article 3 of the June 17, 1959 land law which stipulates that “the customary rights exercised collectively or individually on all land are confirmed, apart from land which forms part of public and private domain and land which has been appropriated according to the regulation of the civil code or registration system”. It further states that “no collective group or individual can be forced to cede their rights unless for a state-approved purpose and for which they receive fair compensation”<sup>86</sup>.

Today, the most comprehensive land governance legal framework is the 1974 land tenure ordinance which clearly states that all land in Cameroon belongs to the state. This implies that individuals or communities are only granted access to land. According to the above-mentioned law, land registration was the only way of acquiring land ownership in Cameroon. Subsequently, decree No. 76/165 of April 27, 1976 show cased the process of registering land to acquire a land title. Customary land ownership is not protected as the only official document that show proves of land ownership is the land title<sup>87</sup>. The process of acquiring a land title requires many supplementary documents and usually takes time. Apparently, these procedures, accompanied with the time and cost of acquiring land certificates leaves the rural community unable to protect their land from future encroachment, leaving them vulnerable to land rights infringement.

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<sup>85</sup> E. Sobseh, “Land Tenure and Land Conflicts in the North West Region Of Cameroon 1974-2008: A Historical Perspective”, Ph.D thesis in History, University of Yaounde I, April 2011. P. 177.

<sup>86</sup> 1974 Land Ordinance on Land Ownership article 2 of the Land 1974 Land Law Reform, p. 9.

<sup>87</sup> Anonym, *Land Tenure and State Land in Cameroon*, Ministry of State Property and Land Tenure, Yaounde, 2008, p.27.

After the 1974 land tenure ordinance, many measures have been taken to fortify the Cameroon land sector. One of such is the public relations campaign of 2008 by the ministry of State Property and Land Tenure to educate people on their rights and make them aware of procedures to secure land titles. Despite these efforts, the procedures, cost, cultures and illiteracy still limit many rural people from acquiring and securing land titles.

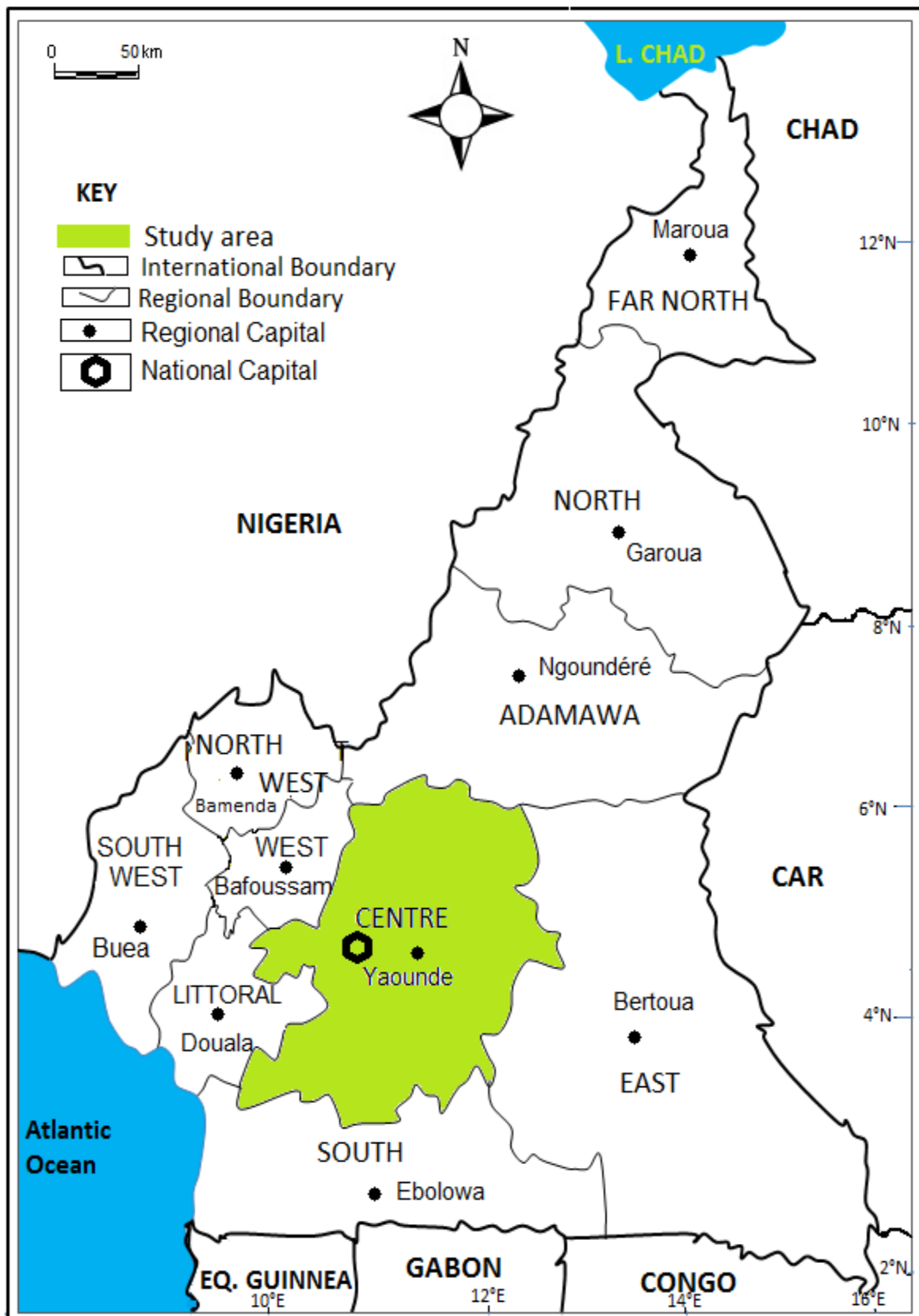
The 1974 land ordinance also establishes rules governing land and divides state property into three domains: National domain (land which is state property by the fact that it lacks a land certificate), private domain (land which has been registered and has an access certificate) and public domain (collective land of the country like roads)<sup>88</sup>. The classification of land into different domains opened land under the national domain for Foreign Direct Investments in Cameroon. This is engine by multinational companies that seeks to acquire large tracts of land for investments. Land governance in Cameroon has not protected the rights of the poor or the local communities. The local population in Cameroon mostly used land classified under the national domain. Consequently, investors that seek for large scale land allotments acquire land classified under the national domain which is a source of livelihood to the local population. In this chapter we shall discuss access to land in Cameroon in detail commencing with the historical evolution of land legislations in the country. We shall review the various regimes under which land is acquired in the country. It traces land acquisition modes from colonial to the post-colonial periods. The discussion which is situated within the broad context also examines land registration from the perspective that it is used to consolidate existing inequality in the distribution of land. Furthermore, relevant issues such as equal access to land and the impacts of the land regimes to the rural communities that solely depend on land for their survival will be discussed in this chapter.

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<sup>88</sup>*Ibid*, p. 28.



**Map 1: Political Map of Cameroon**



**Source:** National Institute of Cartography

The map above is the administrative map of Cameroon indicating the ten regions and their capitals. It is in all these regions that the land Ordinances are applied regardless of the different ethnic groups in Cameroon. In our study we shall focus on the center region which is the administrative capital of Cameroon precisely in the Upper Sanaga Division.

## **I. The Evolution of Land Laws in Cameroon**

In order to better understand the current land tenure system of Cameroon, it is necessary to look at the current legal framework for land tenure in Cameroon, which is better understood from its historical background. We are going to trace the historical evolution of land legislation from pre-colonial, colonial and post-colonial era to better understand its implications to the rural communities.

### **A. Pre-Colonial land laws in Cameroon**

Customary laws are a body of unwritten rules that found its legitimacy and tradition over the control and ownership of land. According to customary resource tenure system, land was usually held by clans or families based on diverse blend of groups to individual rights accessed based on multiple rights. The customary regime has a fundamentally different concept on ownership. It gives absolute rights to individuals over the ownership of land. These customary holdings are mostly found in the rural areas. In Cameroon, most rural activities involve using customary land or resources to provide shelter, food and income from agriculture that is livestock rearing, fishing, gathering food non timber forest products and cultural values that shape the identity of the people. The customary law on access to land favours the men. Cameroon's patriarchal approach to land and men's control have become strengthened by the fact that men are in the position to make laws and often the laws are designed to benefit them.

Moreover, customarily, women are regarded by men as minors and thus incapable of controlling or owning land. This notion was at the root of why women did not control land independently and on equal basis with men in the country. In addition, despite the fact that the statutory rules for guaranteeing land registration were gender neutral, the actual registration process was managed largely by men. Although women's capacity to acquire land was seriously circumscribed by customary law before the colonial period, the situation of women did not improve during colonialism because the various colonial regimes almost

exclusively focused their laws on acquiring indigenous land for their economic use<sup>89</sup>. We shall examine the historical evolution of land in Cameroon.

### **1. Access to Land in Pre-colonial Cameroon**

During pre-colonial Cameroon, the territory was made up of independent states that used the customary laws in the management, control and ownership of land. These ethnic groups migrated from one geographical area to another before they settled permanently. From time immemorial, the search for a favourable environment and natural land conducive for human activity influenced the movement of ethnic groups. The migratory movements started as from the IX century up to the beginning of the XVIII century. This situation enabled the settlement, stabilization and consolidation of different communities on their present settlement sites.

The pre-colonial period was characterized by important human movements. The population moved from one village and region to another in search of new land for activities under the primary sector. They were able to have access to land through an application to the clan chief while respecting social order. These foreigners known as “aliens” did not have traditional land rights. However, land was given to them over time and became land owners<sup>90</sup>. The Germans during the scramble for and the annexation of Cameroon group these ethnic groups over 250 to form the modern state called Cameroon in 1884<sup>91</sup>. This marked the definition of the modern Cameroon state. In pre-colonial Cameroon, access to land varied from ethnic group to ethnic group but the general trend was that land was owned by the community and control by the traditional rulers. Access to land was granted by the traditional authorities or family heads where individual was given portions of land for shelter, agriculture and for other uses.

Land was central to local people’s development strategies. Most rural activities in pre-colonial Cameroon involve using local spaces and resources to provide food, shelter and income from agriculture, including rearing livestock, fishing, gathering wood and non-timber forest products, producing charcoal and hunting. Land was not just a productive resource; it also has a cultural value and shapes the identity of the people whose livelihoods depend upon

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<sup>89</sup>S. P. Munge, “The Concept of Equality and Access to Land: The Case of the Anglophone Region of Cameroon”, PhD thesis in Law, University of Buea, 2011. P.10.

<sup>90</sup> P. Ahidjo, “ Access to Land and the System of Land Ownership in North Cameroon” *Journal of Knowledge Management, Economics and Information Technology*, 2012,p.3.

<sup>91</sup> V.G. Fanzo, *Cameroon History for Secondary Schools and Collages*, vol1:pre- Historic Times to the Nineteenth Century, United Kingdom, Macmillan Publisher, 1988, p.20.

it. It was where they live and work, and home to their sacred and religious sites where ceremonies are held to protect the community and maintain people's links with their ancestors. As such, it was a key element in the community's social cohesion and security. It is interesting to note that the changes communities have been forced to make in the way they manage their spaces and resources have led to their rapid structural acculturation. In its annual report to the League of Nations in 1922, the British colonial administration in Cameroon notes with regard to the Bakweri: "Uprooted from the homes of their forebears, settled willy-nilly on strange soil, deprived of their old-time hunting grounds, and fishing rights, the Bakweri have retained but a small sense of tribal unity or cohesion."<sup>92</sup>

## **2. Customary Rules of Access to Land**

Customary law on property has over the years varied from region to region and from tribe to tribe in Cameroon. Customary laws which were the unwritten social rules of a community derived from shared values based on tradition have in Cameroon regarded land as a resource vested in the community. It was from this context that land invariably controlled by the chiefs and lineage or household heads of each local community, most of whom were men. They distribute land to members of their group for use according to individual needs such as for farming, hunting or building. Under this model, management of land was in the hands of men because in pre-colonial Cameroon, men were at the center of every community or ethnic group.

The management process was in the hands of men and was largely conflict free because the community happily deals with the leaders who were regarded as representatives of their ancestors. The indigenes were very attached to their land. Its possession and control were inextricably linked to the identity of the community. One feature however common to all African communities was the fact that it was impossible to control the people without land. Land was very vital because it acted as a link between the living and the ancestors. The indigenes attached much value to their land even though the men were in control of the communal land and allocate land to the indigenes (women inclusive) when and where they desire. The men have the right to remove them at will when the need arises.

This was more precarious by virtue of the fact that they were more involved in agricultural food crop production than the men and thus have a greater need to access land for mere survival. Statistics show that about 80% of women were involved in the agricultural sector of

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<sup>92</sup> A brief History of the Bakweri Land Problem; see the Bakweri Lands website at [www.blccarchives.org/2006/07/a\\_brief\\_history.html#more](http://www.blccarchives.org/2006/07/a_brief_history.html#more), 10 may 2019.

food crop production in the country but have access to less than 10% of the land<sup>93</sup>. Unequal access to land prevents women from having the basis to enhance their productivity and for generating wealth that may help boost their wellbeing and the economy in pre-colonial Cameroon<sup>94</sup>. Women were circumscribed from having access to land because land plays much more than a resource role in the traditional African setting controlled by men. Land was a bridge between the living and the ancestral spirits. This conceptualization of land translates in practice to inequality since land was managed by men who played the role of priests and group heads.

### **3. Early forms of Land Acquisition**

Acquisition of land has been a matter of controversy in Cameroon from time immemorial. However, problems concerning equal rights to access, modes of allocation and reallocation of land under the customary rule, were often sorted out by local authorities using the principle of law in force. Hence, in examining the notion of equality under the customary setting, the early pattern of land acquisition is a good window through which to appreciate whether the respect of equal access to land was an issue during pre-colonial Cameroon. Ethnic groups in Cameroon settled on vacant lands or lands conquered through war from those originally in possession. Men often form the bulk of the fighting forces, this influence the men to have a dominant voice on land. Generally, during the early periods land was acquired based on three main patterns namely through first settlement, land acquisition by acts of war (conquest), and land acquisition through inheritance.

### **4. Land Acquisition through First Settlement**

The earliest settlement on land in Cameroon was during the pre-colonial era when the population densities were extremely low, sometimes with less than a person per square kilometer. Land availability was not a problem. The important consideration during this period was to claim land in order to carry out food production, building and hunting for family subsistence. Land acquisition through first settlement focused on the fact that whoever first settled on a piece of land could claim ownership over it. The ownership right in pre-colonial Cameroon was usually conferred on the group or family that first settled on the land and not to an individual. It is worth remarking that the first settlement in an area constituted the basic pattern of claiming or acquiring land traditionally in pre-colonial Cameroon. Under

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<sup>93</sup> S. P. Munge, "The concept of equality and access to land: The case of the Anglophone region of Cameroon", PhD thesis in law, university of Buea, 2011 P.74.

<sup>94</sup> M. Goheen, "The Earth shall give Judgment: Land Leadership and Political Legitimacy in Highland Cameroon". Boston University, *African Studies Center*, Working Paper No. 143, (1989). p 71.

this form of land acquisition, the group of persons or family who acquired land through first settlement comprised both men and women. Furthermore, acquiring land through this means was considered by the indigenes as land ownership which was quite different from land use<sup>95</sup>. Land use in this context was having effective possession of the land and enjoying the benefits of the land. Under the traditional system of land holding, land use took the forms of farm lands, land for hunting, and land for housing. Land for farming was often given out by the chief or family head to the family members of the community.

### **5. Land Acquisition through Acts of War or Conquest.**

Land was also acquired through acts of war or conquest. In pre-colonial Cameroon, war was used as one of the instruments of using power to acquire land. War thus provoked migration since most warring communities used it as a technique to acquire land. In such situations, the nature of land ownership and tenure was shared between the initial settlers and the dominant conqueror. In that community, the initial settlers often maintained the spiritual control over the land while the dominant conquest lineage took over the political and the economic control of the land. In most cases, hegemonic warfare often led to long standing animosity and distrust<sup>96</sup>.

However, the major contribution of warfare to the process of State formation in this area was that it led to the creation of alliances and pacts. Lineages that settled like disparate groups were forced to band together for their own protection or to join more dominant groups for the same purpose. In the struggle for the acquisition of land, men were the forerunners, with women playing a secondary role of supporting and catering to the men. Hence, women did not enjoy equal right to control the acquired land as the men did under this rule of land acquisition through conquest. This justifies the fact that in pre-colonial Cameroon, men were at the forefront to acquire land through conquest and as a result they control land acquired through this process.

### **6. Land Acquisition through Inheritance.**

Land Acquisition through inheritance was another form by which indigenes could access or exercise their equal right to land. The acquisition of land through the devolution of the property of the deceased intestate was a significant mode of accessing land in pre-

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<sup>95</sup> M. Goheen, "The Earth shall give Judgment: Land Leadership and Political Legitimacy in Highland Cameroon", Boston University, *African Studies Center*, Working Paper No. 143, 1989, P. 71.

<sup>96</sup> P.N. Nkwi, *Elements for a History of the Western Grassfield*, Department of Sociology, Yaounde University, Yaounde, (1982), p. 59.

colonial Cameroon. The customary rule governing inheritance took mainly the patrilineal pattern in most Ethnic groups in Cameroon. That is, succession was appointed on the basis of the principle of male primogeniture. In this system of inheritance, the male children were entitled to inherit their father's property as family property and most often, the property was inherited by the first son or the most cherished son of the deceased. The families usually prefer the male child or relative to inherit property because it was customarily believed that he is bound to maintain and uplift the family identity even on marriage. For example, according to the Beti custom, women are totally excluded from land inheritance.

Land was transmitted from father to son and if the father has only daughters, the land generally would come back to the deceased's family member, that is to the male relatives and, very exceptionally, to a woman. It is worth remarking that women's restriction on the right to own property in most of the cultural set ups demonstrate the society's tendency of fostering gender inequality by promoting male domination over ownership of property, land inclusive. This worsens women's status and negatively impacts on their roles in the society<sup>97</sup>. Although discrimination against women and male-dominated land control are common, some opponents of the customary land rules argue that restricting a woman from owning land undermines clan cohesion since there exist no unity or commonality in the management of land in the community. Furthermore, though men control decisions related to land use, customary rights have traditionally granted women indirect access through their relationship either by blood ties or marriage. Under the customary land tenure, land was perceived as a male asset where the right to manage and control it is vested in the men. This customary discriminatory land right has gender implications because women have to negotiate and bargain with the custodians of land as well as compete for the limited arable land that is available. Given the changing nature of the family, women are increasingly becoming household heads in their own right. If access to land was left only under the control of men were traditionally considered as household heads, then what will become of those families that are headed by women? Due to this dilemma, the need to control and access land has become equally important for both men and women in order to improve on their individual livelihood.

Land in pre-colonial Cameroon was seldom the cause of conflict because land was owned communally by families or whole villages with traditional leaders taking

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<sup>97</sup> M. Yanou, "The Making of Valid Wills in Anglophone Cameroon: Problems and Perspectives", Vol. 1 No 1, *Private Law Journal of Calabar*, 2002, p.126.

custodianship or trusteeship. All members of the family or village benefited from the production of the land<sup>98</sup>. Land was the main source of economic activities as the main economic activities in pre-colonial Cameroon was agriculture, hunting and gathering of food. Fragmented portions of land were cultivated to feed the community. Hunting and gathering of food was also one of the characteristics of pre-colonial economy as vast tracts of land were vital for these activities. Moreover, land held significant religious value as the burial place for generations of ancestors, land constituted the vital link and the primary means of communication with the hereafter, the world of the ancestors<sup>99</sup>. Within this context, land was passed down from generations within the family and beneficial use rights were only granted to strangers temporarily if the family had no use for the land. Pre-colonial land tenure avoided frequent conflicts on land as the custodians managed and control land to prevent conflicts in the communities. This communal system of land tenure was reformed with the advent of colonialism. This communal system was largely subsumed into a formalised land ownership system with the arrival of the colonial system<sup>100</sup>.

In Cameroon, colonisation favored the penetration and generalisation of a westernised right to property. The colonisers showed great determination in the control and management of the lands by implementing a policy of dispossession of the natives of their ancestral land rights. As has been observed, colonisers based this dispossession on the theory of an automatic appropriation of all the lands which they considered as vacant without master. They were preoccupied protecting their interest on the land regardless of securing the interest of the indigenes, let alone securing their equal rights to land.

Before colonization, land was regarded by the indigenes as an element of nature, just like water and air, incapable of ownership since in African jurisprudence, ownership was exercise on objects made by man and not God. To the native, land was not only a diety, but an identity and an ancestral gift to the community as a whole. That is why individual ownership of land was foreign. This was describe by Amodu Tjani, the secretary of southern Nigeria as follows “The notion of individual ownership is quite foreign to native ideas. Land belongs to the community, the village or the family, never to the individual. All members of the community, villag or family have an equal right to the land, but in every case the chief or

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<sup>98</sup>J. Ambe Njoh. *Continuity and Change in Cameroonian Land Policy: Planning Perspectives*. Harvecam, Yaounde, 2000, p. 15.

<sup>99</sup> C. Fisiy, *Power and Privilege in the Administration of Law: Land Law Reforms and Social Differentiation in Cameroon*, African Studies Centre, Leiden, the Netherlands, 1992.p 29.

<sup>100</sup> C. Meek, *Land Tenure and Land Administration in Nigeria and the Cameroons*, London, Her Majesty Stationary Office, 1957, p.225.



headman of a community or village or head of the family has the charge of the land and in loose mode of speech is position of a trustee and as such holds the land for use of the community or family. He is to some extent in the position of a trustee and as such holds the land for use of the community or family.

He has control of it and any member, who wants a piece of it to cultivate or build upon, goes to him for it. But the land so given remains the property of the community or family. He cannot make any important disposition of the land without consulting the elders of the Community or family and their consent must in all cases be given before a grant can be made to a stranger. This is pure native custom and wherever we find ... individual owners, this is again due to the introduction of English ideas Except where land has been bought by the present owner there are very few natives who are individual ownership of land<sup>101</sup>”

From the above we can say that individual ownership was alien as land was owned by the community. Land was not inalienable but could be transferred only after due consultation of the family or community and the chiefs and family heads were mere custodians of these customary lands.

## **B. Colonial Land Laws in Cameroon**

Single ownership was introduced in Cameroon during the colonial era. Cameroon experienced German, British and French colonial rule. Each of these colonial powers carved out a land tenure landscape for its occupied zone according to its interests. To better understand colonial land laws in Cameroon we shall trace the land laws from the German rule in Cameroon to the British and French administration in Cameroon and the post independent land laws in Cameroon.

### **1. The Land Laws during German Rule in Cameroon 1884-1916**

The German rule in Cameroon 1884 to 1916 in Cameroon began with the treaty of annexation on the 12 July 1884. This treaty was signed by the German traders along the coast of Cameroon namely Adolf woermann, Edward Schmidt, Edward Woermann and Johanness voss, Emile shutze(the German consul in Gabon) and the coastal kings King Bell and AKwa. The chiefs by this treaty agreed to abandon all their rights relating to sovereignty, legislation and administration of the territory to the Germans. In return, the Germans were to respect the customary laws of the natives and native land was to remain native property. With time when the Germans setup their administration in Cameroon, they pursued a policy of land

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<sup>101</sup> A. Tijani, *Land Tenure in West Africa, Nigeria*, University of Ife Press, 1998, p.125.

expropriation from the natives to set up large scale plantations which eventually led to native resistances against the Germans in Cameroon.

The German land decree of 15 July 1896 with the *Crown Lands Act* which granted the German colonial state ownership over all land. This decree, with the exception of two classes of land, regarded all land in Kamerun as *herrenlos* land. Land without a master and declared all such land crown land<sup>102</sup>. The two categories exempted were land over which the private property rights of private persons, chiefs or indigenous communities could be substantiated as well as land in which rights of user had been created by agreements with the Kamerun government<sup>103</sup>. The main idea of this law was that all unoccupied land was considered as crown land. When the land decree finally introduces crown land, stipulations were made to regulate its management, occupation and disposal.

The land decree provided that sufficient land should be left for the use of the local inhabitants to meet their existing needs taking in to account future increase in population. The land decree also provided for the appointment of land commissions by the Governor to work on the exploration and delimitation of Crown Land in the protectorate. In 1902, the German land commission was appointed to determine indigenous land needs and to set up boundaries between lands owned by the indigenous population. This enabled the Germans to claim all unoccupied land which led to resistances by the ethnic groups that were affected by this policy for example the Duala and Bakweri resistances<sup>104</sup>. By 1914, most of the *herrenlos* land in Kamerun had been alienated. The German land law recognized occupied land by the inhabitation and unoccupied land was crown land.

The primary aim of this law was to transfer land controlled by the chiefs to the government, that is, German rule. The law was used to convert indigenous settlers into wage labourers by depriving them of access to their land, which was transferred into German's agricultural plantations. The law which also aimed at raising capital, resulted in vesting control of all unregistered land to the state which according to German thinking was 'ownerless lands' land without masters because the lands were not under effective occupation by the natives. As such, the lands were owned and managed by the government. This sweeping land expropriation naturally caused profound disaffection amongst the local

<sup>102</sup> The Buea Archives, File No 145/38, Qf/a1938/2b: Acquisition of Land by Native Administrator, 1938.

<sup>103</sup> [http:// www. Gim-international. Com/content/ article/land ownership- conflicts in Cameroon](http://www.Gim-international.Com/content/article/land-ownership-conflicts-in-Cameroon), 5 June 2019.

<sup>104</sup> V. J. Ngoh, *History of Cameroon since 1800*, Llimbe – Cameroon, Presbyterian Printing Press, 1996 p. 104.

population<sup>105</sup>. The natives' argument was that, by their customary laws, all lands had landlords, even though they might not be effectively occupied. The German land policy had two major elements to it. It involved the dispossession of the indigenous natives from land for plantation agriculture which was one of the Germans' main concerns in the coastal region. It also resulted in the creation of reserves where the local people were kept for cheap plantation labour.

This phase of the struggle for control witnessed two competing normative systems. Firstly, the Germans were applying the Crown Lands Act of 1896 to legally expropriate a larger proportion of "native lands" while the local populations insisted on their customary claims to the land. The struggle forced local peoples to carve out family or communal land into allotments making the acquisition of land titles become inevitable. This colonial policy generated land conflicts which persists till date, as Bakweri and the Duala natives are still pursuing claims to have their "native land" restored by the State. Besides, this law provided the foundation for land registration in the country which has been adopted by subsequent land regimes. The German legal regime provided little or no protection to the property rights of Cameroonians in general and women in particular. When the country was ruled by the Germans, plantation agriculture flourished. By the time the German left in 1916, they had acquired over 300,000 acres of prime agricultural land repartitioned into 58 estates<sup>106</sup>. Such a massive appropriation of land needed some legal instrument to give the exercise the cover of legitimacy.

## **2. Investments on Land during the German Rule in Cameroon.**

When the Germans succeeded to have control over land they set up large scale plantations in Cameroon to cultivate cash crops that were beneficial to them. During this period, the Germans saw Cameroon as a source of raw materials for their home industries and markets for their finished products. This was manifested in Cameroon by the setting up of German companies producing both food and cash crops such as banana, rubber, cocoa on huge industrial plantations.<sup>107</sup> The penetration of the Germans to the interior and conquest was opposed by ethnic groups. Most of the ethnic groups resisted German penetration in to

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<sup>105</sup>The Buea Archives, File No 2114, Qf/a1939/1: Land Tenure Cameroon Province, The indigenes insisted on claiming their land because the Germans were first of all considered as intruders and they were unable to accept that their ancestral lands are taken away from them through the introduction of a foreign law into their land system.

<sup>106</sup> H.N. Molua, "The Bakweri Land Problem 1884-1961": A Case Study, M.A. Dissertation in History, University of Ibadan, 1985. P.20.

<sup>107</sup>M. Awa, "A History of Cameroon Chamber of Commerce, Industry and Mines, 1884-1988." Ph.D Thesis in History, University of Lagos, Nigeria, 1993, pp. 22 -30.

the hinterlands. The most prominent ethnic group resisted the Germans was the Bakweri and Duala resistance mainly because of land expropriation.. The Germans seized native land to set up plantations for the cultivation of cash crops that were beneficial to them. Thus, the concept of large scale land acquisition is not a recent phenomenon for it started in Cameroon during the German rule. The ethnic groups resisted the Germans but the Germans successfully crushed down all the resistances and established their control and authority in Cameroon.

Before the German annexation of Cameroon, the crop cultivated by the indigenes was food crops. The cultivation of cocoa in Cameroon was introduced by German commercial firms. After 1879, Zintgraff with the aid of Wohltmann, created the “westafrikanische Pflanzungsgesellschaft” that is the West African plantation company in Victoria (W.A.P. V). This plantation had a working capital of 2.5 million marks. By 1916, there were already many German firms in Cameroon. These German companies carried out different economic activities in Cameroon but the focal point was on plantation agriculture. Examples of some German companies in Cameroon and their main products will be examined in this research work<sup>108</sup>.

The Hamburg West African Plantation Company was formed in 1897. The main products of the company were cocoa and rubber. Its main stations were at Molyko, Bolivamba, Isoka, Moli, Tole. Also, the German rubber Company that is the “Deutsche Kautschukaktien-gesellschaft” was founded in 1907 with its headquarters at Ekona. Its principal stations were at Lissoka, Kuke, Musha and Pundu. The main crops that were produced were cocoa, rubber and palm oil. More so, there was the Meanja rubber plantation” Kautschukpflanzung” was founded in 1903. Its main crops grown were rubber and cocoa. Furthermore there was the Moliwe plantation company Moliwe Pflanzungsgesellschaft founded in 1889 its main crops were rubber, cocoa and palms. Moreover, there was the British West African plantation company, West “Afrikanische Pflanzungsgesellschaft Bibundi”. The company grew company grow cocoa, rubber and palms. It was founded in 1897 with headquarters in Bibundi. Other Companies includes; the Bambia plantation of Carl Woermann, the African fruits company, the Hilfer plantations<sup>109</sup>. From the above analysis we can see that the German annexation of Cameroon initiated foreign direct investments and

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<sup>108</sup> V. J. Ngoh, *History of Cameroon since 1800*, Limbe, press book, 1999, pp.81 – 83.

<sup>109</sup> *Ibid*, p. 85

large scale land acquisition in Cameroon for their 32 years of German administration in Cameroon.

### **I. Major Resistances against Land Expropriation**

The German colonial administration ran into difficulties with the indigenes of Cameroon because of the policies which they implemented. Some of these policies were strongly resented by the natives especially after the 1890s<sup>110</sup>. Some of these policies included, the expropriation of native land, forceful use of the natives as labourers in the plantation, exploitation of labour for the construction of roads and railways, disrespect of native customs and tradition, the disappearance of the middleman monopoly of trade. The above reasons force ethnic groups to organize stiff resistance against German penetration in to the interior of Cameroon. We shall discuss the Duala land problem and the Bakweri resistances against the German penetration because these two resistances were mainly as a results of land expropriation that can also be referred to as large scale land acquisition.

#### **1. The Duala Resistance 1910 - 1914**

The most serious resistance to German colonial Rule in Cameroon came from the Dualas form 1910 to 1914. The major cause of this resistance was the decision of the Germans to expropriate the Duala land in other to setup large scale plantation, since the area was very good for plantation agriculture. The problem of land ownership united the Dualas against the German colonial administration. They relentlessly sent emissaries to some kingdoms of the grassfield in order to solicit their support against the German expropriation of their land. For example sultan Njoya of the Bamum who revealed the plan of the Dualas to the German colonial authorities. As far as the Dualas were concerned, the Germano-Duala treaty of July 1884 did not give the Germans exclusive rights to land ownership. In 1888, however, Governor von Soden was commissioned to determine the conditions under which Europeans could obtain land. In June 1896, an imperial Decree defines all unoccupied land as crown land.

The Dualas regarded this action as contrary to what was agreed in the Germano-Duala treaty. In addition, in 1902, the land commission was appointed to determine native land needs and to setup boundaries between land owned by the indigenous population. This enables the Germans to claim all unoccupied land which aroused the anger of the Dualas. The

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<sup>110</sup> V.G. Fanso, *Cameroon History for Secondary Schools and Collages: the Colonial and Post -Colonial Periods*, vol 2, Macmillian publisher limited, limbe, 1989, p.25.

German Governor in Cameroon<sup>111</sup> , Theodore Sietz(1907-1910), further annoyed the Dualas when he decided to draw up a plan for the alienation of their land . The expropriation plan of 1910 was supported by the German district officer in Duala.

According to the expropriation plan, The colonial administrators were to become the proprietors of the Duala land and the Dualas were to be given 40pfennige per square metre as compensation. Their houses were also compensated and the natives were to be resettled out of Duala within a certain distance from the Cameroon river, separated from the Europeans by a stretch of land of one kilometer. The decision to expropriate the Duala land had racial, economic and health motives. From a racial viewpoint, the German colonisers supported racial segregation. They were afraid that cohabitation might eventually lead the natives to ask for social and political equality with them. From the economic view point, the German colonial authorities wanted to prevent the Dualas from profiting from the sale of their land to land speculators. As far as the health is concerned the medical officers of the colonial administration, feared that cohabitation between the indigenous population and Europeans was medically detrimental to Europeans. They argued that only expropriation of Duala land and the resettlement of the natives elsewhere would protect Europeans from diseases, since Dr Ziemann's research discovered 71% of the natives already affected with malaria. Since the Duala monopoly on trade as the middle men had been broken, most of the natives had given up trading and looked on land as their principal source of livelihood. Any attempt at alienation was therefore bound to lead to violence. In spite of the opposition to the expropriation plan by many Europeans and missionary societies in Duala, the colonial administration was determined to forge ahead with the alienation of the Duala land. In November 1911, the Dualas filed a protest to the Reichstag which unfortunately did not lead to any favourable reaction from the German Government. In March 1912, the Duala chiefs wrote another protest to the Reichstag advancing the following reasons on land expropriation. They did not find it acceptable giving up their precious heritage.

This heritage had been given to them by their ancestors and could not be given out for a ridiculously low price. The chiefs pointed out that the colonial administration wanted to compensate the natives with land which originally belonged to them for their farming. In this respect, the natives argued that it was hard to understand why and how their inherited farming land had become government property<sup>112</sup>. The chiefs further pointed out that they were

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<sup>111</sup>V.J. Ngoh, *History of Cameroon...*, pp 102- 104.

<sup>112</sup>*Ibid*, pp. 104- 107.

prepared to provide money for the colonial treasury as they had been doing. In addition, they promised to satisfy the land requirements of private enterprises, as much as possible after negotiations and call on the Reichstag to cancel the expropriation plan. The German colonial authorities went ahead to implement another expropriation act in January 1913.

### **1.1. The Expropriation Act of January 1913**

On January 1913, the German colonial authorities passed another land expropriation act. According to the act, 903 hectares of Duala land was expropriated by the Germans. The expropriation of the Duala land had to be completed within five years and the indigenes were given one month from the date of expropriation to file any protest. Following the implementation of the act, king Rudolf Duala Manga Bell send a petition to the Reichstag protesting against the Act. The Dualas describe the act as a violation of the Germano- Duala treaty of 1884. The Colonial authorities argued that the treaty gave the government the right to manage the area. The right to manage watered down the importance of the clause which stated that the land cultivated by them and the places the towns were built on shall be the property of the present owners and their successors.

The German authorities prevented the Duala delegation from going to Germany to present the views of the Dualas. The dualas succeeded to send Ngoso Din to Germany without the knowledge of the colonial administration. The expropriation act influences the Dualas to send agents in to the interior of Cameroon in order to obtain support against the Germans. These agents made it clear that after the colonial authorities would have completed the alienation of the Duala land<sup>113</sup>, land owned by the other tribes would next be alienated. The Duala agents and some of their chiefs made contracts with the Balong, Yabassi, Yaounde, Ngaoundere, Dschang, Bali and Bamum to rally support for their cause. The Germans succeeded to expropriate the Duala land, constructed their administrative units and set up large scale plantations. The Germans therefore set the pace of large scale land acquisition in Cameroon that have increase in recent years due to the commercial pressure on land in Cameroon by Multinational companies, political elites and land

## **2. The Bakweri Resistance 1891-1894**

The Bakweri resistance to German rule was caused by the misunderstanding between the Bakweri and the Germans which evolves around two Bakweri women that were accused of killing a Bakweri man through witchcraft. The missionaries were unhappy with the

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<sup>113</sup> Eyongetah et al, *A history of the Cameroon*, London, Logman, 1974, p. 90.

practice of giving sassafras poison as a test to the persons suspected of witchcraft. The chief of Buea kuva Likenye was a supporter or advocate of this practice as a means of stamping out witchcraft. When the two missionaries returned to Duala, they reported these practices to the German colonial authorities. The German colonial authorities wanted to stop these practice which led to resistance by the bakweri people. Also, the Germans seized the Bakweri land around the slopes of mount Cameroon and open large scale plantations in this area. This area was rich in fertile volcanic soils that were good for plantation agriculture. The Germans opened palm, banana and rubber plantations in this area. The influenced the bakweri to resist against the expropriation of native land by the Germans.

The Bakweri were forced by the German colonial authority to work on German plantations with little or no payment. This increase tension between the Bakweri and the German commercial class because the Bakweri were angry with the forceful recruitment and the maltreatment of natives labourers. The bakweri were subjected to long hours of work under very deplorable conditions<sup>114</sup>.The resistance persist until 1894 when the Germans defeated the Bakweri and imposed an Armistice to the Bakweri people with the following terms; firstly, the Bakweri people were deprived of all the land originally inhabited and cultivated by them. Through compulsion, they were moved to their present site and their former site was converted into the buea Government station. The Bakweri were allowed access upon part of their former farms land s so that they could feed their families.The above resistances to German penetration testify that the concept of large scale land acquisition is not a recent phenomenon as the early signs of large scale land acquisition was manifested during the colonial era. The German colonial rule in Cameroon set the pace of large scale and acquisition in Cameroon.

In 1914, the first world war broke out in Europe and was extended in to Cameroon by the allied powers (Britain and France).The main reason why the war was extended in to Cameroon was because Cameroon was a German colony an the allied powers saw the war as an opportunity to defeat the Germans in Cameroon. By 1916, the Germans were defeated and finally ousted from Cameroon. All the German property was placed under a body called the custodian of enemy property. Britain and France proposed a joint administration but it was a failure. As a result Britain and France decided to partition Cameroon<sup>115</sup>.

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<sup>114</sup>V. J .Ngoh, *History of Cameroon since 1800*, Limbe, press book, 1999, pp 116- 117.

<sup>115</sup> V. T Levine, "The Cameroon: From Mandate to Independence", Ph.D Thesis in History, University of California, los Angeles, 1961, pp. 52-53.



The partition was unequal; France took a greater portion of Cameroon 4/5 while Britain took a smaller portioned 1/5 and further partition it in to British northern Cameroons and British southern Cameroon and attached it to Nigeria. The German corporations were placed under the two colonial masters by the League of Nations that was the general body for the supervision of the mandated territories. The mandate agreement in article nine gave powers to the mandate territories to consider native laws and customs and safeguard the interests of the indigenes. The failure of the League of Nations to maintain world peace led to the outbreak of the Second World War in 1939<sup>116</sup>. The war was equally extended in to Cameroon which saw the defeat of the Germany and the axis powers. After the war, the United Nations organization was created in 1945 to replace the ineffective League of Nations. Cameroon that was a mandated territory of the league was place as the UN trust territory and given to Britain and France to administer under the supervision of trusteeship council<sup>117</sup>.

## II. The British Land Laws in Cameroon

Land policies in British Cameroon were influence by land registration ordinance and the native right ordinance. Between 1919 and 1927, the Northern and Southern parts of Cameroon placed under British rule were governed by a different legislation enacted in Nigeria. In 1927, the Land and Native Rights Ordinance was issued. This ordinance was to ensure the use and occupancy of land. These two rights constituted the Right of Occupancy. There were two types of right of occupancy; *the* Statutory Right of Occupancy and the Customary Right of Occupancy depending on whether one was a non-native or a native. Later on, an article which provided that “the Governor may revoke the customary right of occupancy at any time” was added to the Land and Native Rights Ordinance<sup>118</sup>. The general British policy which relates land in the Trust Territories under the Trusteeship Agreement of 1947 was succinctly captured in Article 8 of the Agreement. It states thus:

In framing laws relating to the holding or transfer of land and natural resources, the Administering Authority shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests, both present and future, of the native population. No native land or natural resources may be transferred, except between natives, save with the previous consent of the competent public authority. No real rights over native

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<sup>116</sup> B. Eyongetah, *A History of Cameroon*, Essex, Longman, 1974, p.155.

<sup>117</sup> V G Fanzo, *Cameroon History for Secondary schools and colleges* vol ii , p 65.

<sup>118</sup> African Development Bank , “Diagnostic Study for Modernization of Land and Survey Sectors in Cameroon”, November 2009, p. 6.

land or natural resources in favour of non-natives may be created except with the same consent<sup>119</sup>

In 1956, a reform to guarantee access to full ownership of land in British Cameroons through freehold land or leasehold *land* was introduced. Apart from these two land categories, all occupied or unoccupied land was declared as customary land. All these measures stemming from the resistance of customary law and the power relationships at that time demonstrate the importance of traditional forms of access to land and the complexity of the land issue which every survey or land project, including the project to modernize the lands and surveys sectors, must take into account. The British important contribution was to introduce legal instruments of certification of entitlement to land as a measure through which alienation of land to non-indigenes could be controlled<sup>120</sup>.

### **1. Investments in British Cameroon 1922 to 1961.**

When Cameroon was partitioned between Britain and France, over 90% of the German plantations and investment fell under the British sphere. When Britain took her own portion of Cameroon; she divided it into British northern Cameroon and British southern Cameroon. She attached British northern Cameroon to northern Nigeria and British southern Cameroon to the eastern region of Nigeria. The British upon the control of her own portion of Cameroon re-established the economy which had collapsed as a result of the First World War. Plantations inherited by the British from the Germans were greatly improved upon. Victoria and Kumba divisions under the British became the main centers for highly capitalized plantation agriculture. The colonial governor was able to use his powers over land to legitimately grant land concessions to planters. In 1923, the estates were put for sale in London, but the British government failed to find buyers. In 1924, the second auction was organized in London with restriction against German buyers removed. The Germans repurchased almost all the plantations. The buyers were the original owners of the estates. These German companies returned and continued their activities. These companies greatly enhanced economic developments in British Cameroon<sup>121</sup>.

The outbreak of the second world war and the extension into Cameroon led to the defeat of Germany and the replacement of the ineffective League of Nations with the United Nations

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<sup>119</sup> Article 8 of the Trusteeship Agreement as approved by the General Assembly of the United Nations on 13th December 1947 at [www.britishlandlaws.com](http://www.britishlandlaws.com). Accessed on 4 May 2020 at 1:30pm.

<sup>120</sup> African Development Bank, "Diagnostic Study for Modernization of Land and Survey Sectors in Cameroon", November 2009, pp. 7-8.

<sup>121</sup> V. Levine, *The Cameroons from Mandate to Independence*, Berkeley and Los Angeles, 1964, p. 80.

organization in 1945. After the war in 1946, the Cameroon development cooperation (CDC) was formed. It was created following the passage of two ordinances by the Nigerian legislature. The first ordinance was the EX-enemy lands ordinance that provided the acquisition of land formerly owned by the German planters in British Cameroon. The second was the Cameroon development cooperation ordinance of 1946 which actually created the CDC, granted leases of land and created a board to run the cooperation. The CDC was involved in the cultivation of a variety of crops which was the main pivot in the development of Cameroon. The German investors and the CDC contribute greatly to investments in British Cameroon before independence<sup>122</sup> The Economic power was concentrated on large enterprises, the biggest in the 1930s was the United African Company limited (U.A.C) followed by the CDC in the 1940s.

By the late 1930s, the UAC controlled over 40% of imports in to southern Cameroon and had purchase 43% of all Cameroon non mineral exports such as cocoa, coffee and palm oil mill in the Ndian area today known as PAMOL. Also, there was the Unilever Company which initiated large scale land acquisition in Belgian Congo. In 1947, Unilever established a plantation in British southern Cameroon. The Company expanded operations in soya oil processing and palm production in Ndian. Another company that was established in Cameroon was the United Fruit Company. The UFC first became involved with European markets in 1902 when it bought 45% of the three Elders and fyffes company limited London<sup>123</sup>. The company set a network with British southern Cameroon to transport banana through the German subsidiary since most of the plantations were controlled by the German<sup>124</sup>. The situation changed after the Second World War when the German plantations were expropriated by the custodian of enemy property and eventually sold to the government of Nigeria which administered British Cameroons. The Nigerian colonial government in turn, leased the land to the Cameroon Development Corporation, a parastatal charged with the management of plantations in British southern Cameroon for the benefits of British southern Cameroonians.

### **III. French Land Laws in Cameroon**

The land laws in French Cameroon were regulated by a series of decrees. The French administration converted land in to French ownership that is the ownership of land was

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<sup>122</sup>Ngoh, *History of Cameroon Since 1800*, pp. 80 -83.

<sup>123</sup>*Ibid*, p.182.

<sup>124</sup>*Ibid*, p.83.

controlled by the French government since the French considered French Cameroon land as part and parcel of France. The first decree of 11 August 1920 was passed pertaining to the organization of land in Cameroon. The first was vacant land. Vacant land was land without a user which belongs to the state. The second was land collectively owned by the indigenes population or land under the custodians of the chiefs which could not be given to individuals by sale or allocation except approval of the commissioner. The third was land found fit for public use. It was pronounced by the commissioner in French Cameroon, who could determine some compensation. The fourth was land less than 100 hectares in size. It was awarded by the governor general of either West Africa or equatorial Africa. The last was a land above 1000 hectares which was awarded by decree of the minister of colonies<sup>125</sup>. The decree on land of the 5 July 1921 regulated public land.

The decree of 10 July 1921 regulated the procedure of expropriating land for public use while a decree was issued in 1938 dealing with government land. These decrees divided land into four categories. The first category of land included land that was acquired with no land title by registration in the German Grandbuch. Such lands could be freely transferred whether they were owned by the indigenes or Europeans provided they were not held by the Germans before promulgation of the decrees. The second category includes land owned by the indigenes for which no written titles existed such land could be transferred. The third category concerns indigenous reserves which were land set aside for the indigenes. The fourth category was private land which comprised government land, land used for ten years and land which was vacant and without an owner<sup>126</sup>. Above all, two important notions were introduced by the French that is the government ownership of all lands and a common policy of effective occupation.

Cameroon has lived through the multiple systems of land tenures of the different colonial regimes that administered the country with each maintaining the notion of converting the so-called "ownerless land" to national land. The colonialists were all determined to weaken the powers of traditional rulers over natives thereby depriving them of their claims over their lands. The colonial land laws were technically gender neutral because they were focused only on protecting colonial interests against the interests of the natives. Moreover, the colonial land policies helped to alter the customary rule where the indigenous land was solely controlled by the family heads that were only men. Women, depended on

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<sup>125</sup>E. Sobseh, Land, "Tenure and Land conflicts in the North West Region of Cameroon 1974-2008. A historical perspective" Ph.D thesis in history, university of Yaounde I April 2011, p.181.

<sup>126</sup> V. J. Ngoh, *Cameroon History since 1800*, P.73.

the family heads to get farmland to use for family sustenance. It is worth noting that before the arrival of the colonial regime in Cameroon, Cameroonians did not attach much value to land. They regarded land equally as the earth, air and water which man could use freely without restriction or alienation. Land was a communal resource and it was found in abundance. Since women were more involved in farming activities than men, they had abundant farm land to live on with little or no restriction. In situations where the men removed women from their farmlands, women could still easily access other farmlands since land was in abundance.

### **I. Investments during the French Rule 1922 to 1960.**

When France took her portion of Cameroon, the new administration pre-empted some of the former German plantations and sold others to non-Germans. The French administration made efforts to prevent the return of the German businessmen and to alter the allegiance to German markets, products and techniques for the Germans<sup>127</sup>. Over 366 German investments were in Cameroon but by 1925, the French administration had liquidated more than 180 and auctioned 130 and only 40 were passed to the French government<sup>128</sup>. This was because they originally belong to the German state. The French administration also acquired the tobacco plantation in Dschang and turned it into a private company. However by 1926 a few German companies returned back but foreign direct investments were mainly in the hands of the French government. France with her colonial policy of assimilation integrated the resources of French Cameroon with that of France. The French government set up corporations aimed at exploiting Cameroon. For instance, the French set up companies that encourage and increase the production of rubber, cocoa, banana, Robusta and Arabica coffee. In the south region the production of Robusta and Arabica coffee was encouraged<sup>129</sup>.

French private capital was mobilized and a banana plantation was set up in Njombe-Penja by a French firm called "compagnie des bananes"<sup>130</sup>. Palm plantations were found in the southern part of French Cameroon. The "Institut de recherche pour les huiles et onguents" (IRBH0) opened palm plantations in Bafia, Dschang, Edea, and Kribi. Palm oil mills were opened in Dibombari and Edea. Cotton production was reserved in the North because of the favorable climate and was cultivated by the "*Compagnie Française pour*

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<sup>127</sup>*Ibid*, p. 74.

<sup>128</sup>*Ibid*, p. 75.

<sup>129</sup>C. Geschiere and P. Konings, Conference on the Political Economy of Cameroon, Leiden, June 1988.

<sup>130</sup><http://www.google.fr/search?rd=ss\pdf>. Foreign companies in French Cameroon, 8 June 2017, 11: 15 am.

*leDeveloppement de Fibre Textiles*” (CFDT)<sup>131</sup>. Tobacco was exported with the “*Mission Metropolitaine des tabacs de coupe and the Societe Juan Bastos*” responsible for the entire production of cigar and Groundnuts are grown on the Bateke plateau and more than 1200 tons were harvested in a year.

#### **IV. Post-Independence Land Laws in Cameroon**

After independence, a new land policy was instituted by Decree No. 63/2 of 9 January 1963. This important instrument established a common national heritage managed by the State. This heritage comprised land withdrawn from traditional authorities excluding land considered as community property, that is, registered or recorded in accordance with the Civil Code and that which made up the public and private property of the State as provided by the instruments in force<sup>132</sup>. This new land policy of the new State emphasized land development as a condition for the issuing of the land certificate. Decree No. 64/10 of 30 January 1964 distinguishes between the common national heritage and land belonging to traditional authorities. In view of difficulties related to the application of this system due to the problems of delimitation and acceptance by the population and shortcomings of this new land policy, it was necessary to introduce new reforms. The Unity of the country in 1972 provided an opportunity for the introduction of such reforms to also harmonize the different land tenure systems in Cameroon. This was the subject of Ordinance No. 74-1 and 74-2 of 6 July 1974<sup>133</sup>.

##### **1. Current Legal Framework Governing Land in Cameroon**

In Cameroon today, the most comprehensive legal framework governing land can be found in the 1974 land tenure ordinances. This set of ordinances represented the first endeavor by the newly re-unified post-colonial state to define an institutional system to manage land use<sup>134</sup>. The 1974 land ordinances declare foremost that all land belongs to the state. Fundamentally a continuation of colonial practices, Cameroon’s policy of state ownership of land implies that private individuals or communities can only be granted access to land.

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<sup>131</sup>K. Awang Ollong, “Multinational Companies in Cameroon,1960-2000 :A Historical Appraisal of their Role in the Development of the State” ,Ph.D thesis in History ,university of Yaoundé I, 2011, p. 67.

<sup>15</sup> [Http:// www.Mindaf](http://www.Mindaf). Land laws in Post Independent Cameroon. 13 July 2017 2:30 pm.

<sup>133</sup>Ordinanceno 74-1 provides the state shall be the guardian of all lands with an intervening capacity; that only five categories qualify individual rights over land as private property, land registration being the principal category. The transition period is five years.

<sup>134</sup>C. Fisijy “Power and Privilege in the Administration of Law: Land Law Reforms and Social Differentiation in Cameroon”, *African Studies CentreLeiden*, the Netherlands, 1992, p. 18.

Specifically, the 1974 land tenure ordinance defines three areas of land management. First, ordinance 74/1 explains that registration is the sole means of acquiring ownership of land. Specification for the process of registering land, a procedure resulting in the allocation of a land certificate, was outlined two years later in Decree No. 76/165 of April 27, 1976. This decree stipulated that those seeking to register occupied land prior to 1974 could apply for a land certificate directly while those seeking access to land not previously occupied by themselves would have to submit indirectly for a certificate<sup>135</sup>.

Subsequent to the 1974 land ordinances, various decrees have sought to clarify and standardize land management processes. Legislation in 1985 and 1996 placed limits on the state's power of expropriation of land for the public purse and in 2003 the pricing scheme for various crops was established to compensate individuals whose land has been seized by the state<sup>136</sup>. Procedural legislation that came into force in 2005 seeks to streamline and shorten the process of obtaining a land title. This decree was followed by a public relations campaign in 2008 in an effort to educate people on their rights and inform them of the steps to undertake in securing a land title (Ministry of State Property and Land Tenure, 2004)<sup>137</sup>. The Ministry of State Property and Land Tenure, operating within the Ministry of State Property and Land Tenure (MINDAF) has undertaken these reforms. The 2016 prime ministerial decree in land seeks to shorten the procedure of obtaining land certification and the various processes to be granted by stakeholders in granting land concessions.

## II. Classification of Land in Cameroon

The subsection of the land ordinance of 6 July 1974, established the different categories of land in Cameroon. This ordinance state that:

State shall be the guardian of all lands and may intervene to ensure rational use of land or in the imperative interest of defense or the economic policies of thenation. These ordinances that institutionalized private property rights and state control regime established three legal categories of land in Cameroon: private property or private land, public property or public land and national land<sup>138</sup>.

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<sup>135</sup>S. Nguiffo, P. Kenfack and N. Mballa. "The Influence of Historical and Contemporary Land Laws on Indigenous People' Land Rights in Cameroon." Land Rights and the Forest People of Africa: Historical, legal and Anthropological Perspectives. Forest People's Programme Yaounde, January 2009,p.25

<sup>136</sup>*Ibid*,p. 26.

<sup>137</sup>[http://www. Mindaf](http://www.Mindaf) management of land. Accessed on 12 july 2017, 4:00 am.

<sup>138</sup>Ordinance no. 74-1 of 6 July 1974 to establish rules governing land tenure.p1.

## 1. Public Land

Public land includes all land that cannot be acquired and which is therefore excluded from large-scale land transactions. Public property comprised all land that could not be owned by private individuals. Article 2, of ordinance no 74-2 of 6 July 1974 established rules governing state lands stipulated that;

Public property shall comprise all personal and real property which by nature or intended purpose is set apart either for the direct use of the public services. Public property shall be inalienable, Imprescriptible and unattachable. It shall not be liable to private expropriation.

**Article 3.** section 1-4 distinguished between the two categories of public property: natural and artificial public property.

### 1.1. Natural Public Property

Natural public property was property created by the almighty God such as rivers, coastland, waterways, sub-soil and air space. The ordinance defines natural public land as follows;

Natural public property shall comprise coastlands, waterways, subsoil and air space. Coastlands shall comprise: the sea shore to the highest tide mark and a further zone of fifty metres measured from this tidemark; the banks and estuaries of waterways subject to tidal influence to the highest tide mark, and a further zone of twenty- five metres measured from this level; the soil and sub soil of the territorial sea. Waterways shall comprise; navigable or floatable waterways within the limits determined by the highest water level and a further zone of twenty- five metres measured from this level; marshland excluding developed farms; non navigable and non-floatable waterways within the limits determined by the high- water level; lakes, ponds and lagoons within the limits determined by the high water level. Subsoil and air space shall comprise respectively the sub- soil and the air space situated above the territory of the state and the territorial sea<sup>139</sup>.

As seen above this category of natural public property does not permit individuals to apply private appropriation of even the smallest portion of this natural property. It is owned by the public for the general benefit of the society<sup>140</sup>.

### 1.2. Artificial Public Property

Ordinance no. 77-2 of 10<sup>th</sup> January 1977 defines the artificial public property of the state. "It shall comprised roads, motorways commercial sea or river ports and public monuments. The concessions of traditional and property especially in the provinces where the

<sup>139</sup> Chapter 1, article 2 and 3, of Ordinance no. 74-2 of 6 July 1974 to established rules governing state lands.

<sup>140</sup> Interview with Hanry Ngwany Lanyuy, aged 40, Civil Administrator, MINDAF, Yaounde,



concessions of chiefdoms is considered as the joint property of the community.”Land certificates was not to be issued on the concession of a traditional chiefdom which is public property<sup>141</sup>.Public land in general was controlled by the ministry of state property and land tenure. It is also important to understand that the management of public land by the council or any corporate body is subject to a document issued by the Minister of state property and land tenure because only the state is vested with power to manage public land. It is the state that may confer the management to such bodies in a formal way so as to avoid conflicts between the state administrative authorities and local governments.

## **II. Private Land**

Ordinance no. 74-1 subsection 2 of 6 July 1974 establishes the categories of land subject to private property. This includes; registered land, freeholds, land acquired under the transcription system, land covered by a final concession and land entered in the Grundbuch in German Cameroon<sup>142</sup>. Private land comprised two types of property owners. The first was made up of national persons and cooperate bodies of private law that hold a land title or land certificate on a parcel of land on the national territory. The law conferred the most absolute prerogatives of property rights on private owners.

As such, the land certificate is the only official documents that private land owners should have before they can claim the ownership of a parcel of land in the national territory. Private land owners have the right to use the parcel of land for different purposes such as farming and building. No one has the right to question why they have not developed the land. Nobody has the right to settle on the land without any authorization by the land owner. The second type of private property owner is the state private property owner. The state may also have land certificates on parcel of land that constitute private property rights of the state or state private land. Therefore, Cameroonians have the right to respect state private lands just as they respect private individual lands even more because they are the property of the state. The only person empowered by law and regulations of the Republic to manage state private land on behalf of the state is the minister in charge of lands or in certain circumstances the prime minister and the president of the Republic<sup>143</sup>.

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<sup>141</sup> Ministry of State property and Land Tenure, “Legal Categories of Land”, P.2.

<sup>142</sup>Ordinance no.74-1 part one General provisions of 6 July 1974 to establish rules governing land tenure. P1

<sup>143</sup>E. Sobseh, Land tenure and land conflicts in the north west region of cameroon1974-2008:A historical perspective, Ph.D Thesis in History university of Yaounde one, April 2011, pp. 188- 190.

### III. National Lands

Article 14, of ordinance no. 71-1 of 6 July 1974 stipulates that;

National land shall as of right comprised land which at the date which the present ordinance enters into force, are not classed in to the public or private of the state and other public bodies. National lands shall not include lands covered by private property rights. In the event of forfeiture as provided for in article 4 and 5, the lands in question shall be incorporated as of right in the national lands. National land was land opened to foreign direct investments. This category of land is managed by the state to enhance economic growth and development. Thus, multinational companies and foreign investors that seek to acquire large tracts of land for foreign direct investments seek for land categorized under the national domain. National land is classified in to two categories according to the provisions of article 15 of ordinance no 74-1 stated as follows; National land shall be divided in to two categories (1) land occupied with houses, farms, plantations and grazing land manifesting human presence and development (2) Land free of any effective occupation<sup>144</sup>.

The first category of national land comprises unregistered land occupied or used by the individuals, local and indigenous communities. Occupants of such land only have users right. They do not legally have ownership rights over land. The second category consist of unoccupied land which is land that can be describe as bare or vacant land without owners or free spaces. Consequently, national land is legally occupied in two ways; first as a single occupant in the case of individuals, local and indigenous communities who do not have ownership rights over land allocated. Ownership rights are only issued to holders of land certificates following a registration procedure. This type of land occupation is considered legitimate and in compliance with the law.

The second type of occupation of national land is govern by the notion of land concessions under which land is granted to investors for socio- economic development project promoters. These concessions are given to multinational companies in Cameroon to acquire large tracts of land to improve on foreign direct investments and enhance economic growth and development in Cameroon<sup>145</sup>. The second type of occupation of national land open access to foreign companies or multinational companies to acquire large tracts of land in Cameroon for foreign direct investments. However, it is very important to note that the state is the trustee or the custodian of national land. The state can allocate a portion of national land for the implementation of projects for the interest of the public. It is through this method

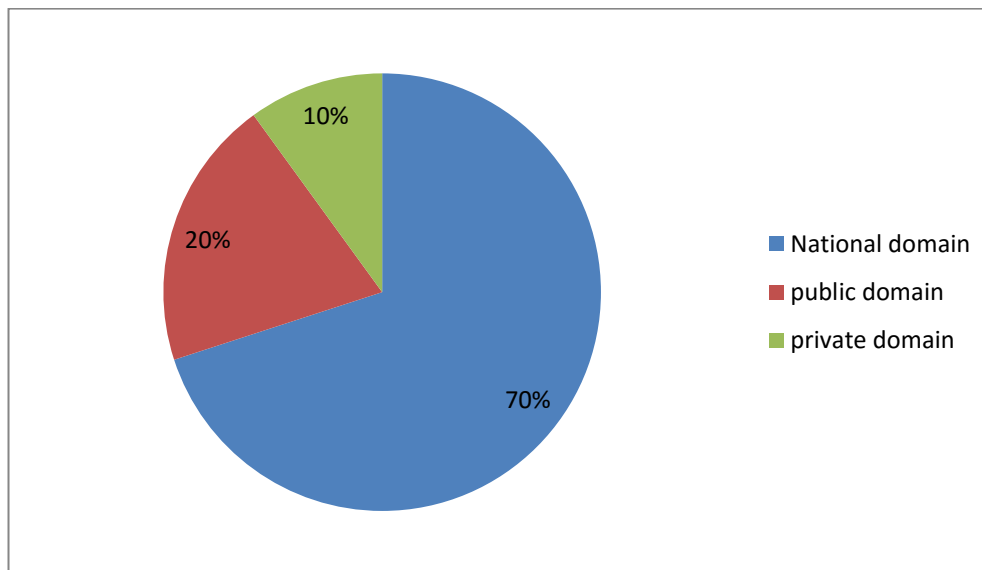
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<sup>144</sup>N.A.Tientcheu, “ *Droits Réels et Domaine National au Cameroon* », Yaounde, cameroun: presses Universitaires d’Afrique, 2005, p .486.

<sup>145</sup> S.A. Mvondo, C.L. Colfer, M. Brockhaus and R. Tsanga, “Review of the legal ownership status of national land in Cameroon: A more nuanced view.” *Journal on Environment service Research Program*, Yaounde, Cameroon, 2008, pp. 149-151.

that portions of national land are incorporated in to public or private state land. The pie chart below demonstrates the classification of land in Cameroon.

**Figure one: Classification of land in Cameroon**



Source: Authors collection on the field, 15 June 2019.

From the above representation we can see that 70% of the land is classified under the national domain, 20% under the public Domain and 10% under the private domain. A majority of land is under the national domain where MNCs seeking for land in Cameroon are allocated land under the national domain which is in most cases occupied by the rural communities.

#### **IV. Investments in Post-Independence Cameroon**

After the independence of French Cameroon in 1960 and the reunification of the Republic of Cameroon and British southern Cameroon respectively in 1961, Cameroon started with high hopes for rapid growth and development. They started signing bi lateral and multilateral cooperation between states mainly to enhance the economic development, which was the primary objective of Cameroon after independence and reunification. In other to achieve this objective, Cameroon opened her economy to foreign investors to invest in Cameroon. After independence and reunification, many multinational companies arrived Cameroon with technological innovations from their countries of origin and attempted to produce identical products of imported goods. The following firms initiated investments operations even before the early 1930s ; the United African Company, , Unilevers, *Companies Francaise de L, Afrique occidental, societie commercial de l, ouest Afrcaine* ,

United Trading Company, eldres and fyffes, united fruit company, bollore, Guinness Cameroon SA, Nestle and the British American Tobacco companies<sup>146</sup>. Cameroon enjoyed 25 years of prosperity before falling on hard times in the mid-1980s.

During that period, the country developed a prosperous and diverse economy, based on agriculture, petroleum production, and some basic industries. By 1986, the economy shrank dramatically as low prices for oil, coffee, and cocoa reduced Cameroon's export income. Oil production also began a steady decline during the 1980s and fell from 9 million metric tons in 1986 to 5 million metric tons in 1997<sup>147</sup>. Cameroon's Gross Domestic Product declined by 30 percent in 1986. In response, the state attempts to reinvigorate economic growth through state investments and import substitution industrialization strategies. The strategies imposed by the state of Cameroon were unsuccessful. The World Bank, the International Monetary Fund and Western donors developed and advocated Structural Adjustment Programs (SAPs), which emphasized macroeconomic stabilization, privatization and free market development. The SAPs approach has generated considerable debate within African countries and development circles. While proponents argued that the reforms were essential and without alternatives, critics charged that SAPs paid insufficient attention to the social dimension of development and to the institutional weaknesses of developing countries<sup>148</sup>.

### **I. Economic Crisis and the Advent of FDI in Cameroon**

In the 1980s Cameroon was faced with the hard hit economic crisis which cripple down the economy. In 1986, the government announced an economic crisis that was to lead to many reforms. After trying to solve the crisis for four years without success, the government was forced to attract foreign investment. This was highly favored by the IMF and the World Bank that were reluctant to give any loans without economic liberalization. Government, thus had no option than to accept the terms, consequently, it reluctantly started to lay grounds for more private investment, especially from abroad. The most plausible way to do this was to privatize hitherto heavily subsidized government corporations that were the backbone of the economy but whose efficiency was very low.

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<sup>146</sup> Geschiere and P. Konings, "Conference on the Political Economy of Cameroon: Historical perspective", Leiden, June 1988, p. 15.

<sup>147</sup> F. Sikod et al, Globalisation: Institutional changes and poverty in Rural Cameroon. Final Report, Tokyo Japan, FSID, 2000, p. 45.

<sup>148</sup> W. Easterly, "The Effect of IMF and World Bank Programs on Poverty", Mimeographed. The World Bank, Washington, D.C 2000, p. 25.

Thus, in 1990 the president signed a decree listing most of the government corporations to be privatized and launching a privatization program. The program was not only a means to attract FDI but also a source of income for ready cash to meet up with government spending initially meant to last only for four years. The program did not yield the expected results. As such in 1994, the president again signed another decree extending it and listing many more cooperation's for the exercise<sup>149</sup>.The crisis also influence foreign companies , political elites and land speculators to acquire large tracts of land for investments.

### **1.1. The Structural Adjustment Program and its Impact on Foreign Direct Investments in Cameroon**

The Structural Adjustment Program and their associated stabilization policies was the most important policy frameworks that greatly influence the influx of multinational companies for foreign direct investments in Cameroon. The SAPs approach was the response of the World Bank (WB) and the International Monetary Fund (IMF) to the African economic crisis of the 1970s. The SAPs were introduced across Africain the 1980s and continued to operate throughout the 1990s.During this period, the WB and the IMF closely worked together, with the IMF heavily involved in setting the macroeconomic development and policy agenda while the WB provided structural adjustment lending. The World Bank and the international monetary fund then brought out conditions for the African countries respects before they granted loans. The crisis brought a recession in the economy of many African countries. The SAPs were put in place to ensure that the African countries revamp from the slumber.

#### **a. The Structural Adjustment Program I**

SAP I was co-financed by the World Bank and the IMF in 1989. It aimed at restoring internal and external macroeconomic balances with the view to achieving sustainable and equitable growth. The Program's components were as follows; budgetary policy centered on the increase in receipts and the management and rationalization of expenditures; public sector reform with the view to stimulating the efficiency of the sector and readjusting the State's economic parameters, liberalization and creation of a secure climate for investments and private business, devaluation of the currency, rehabilitation of the financial sector, adjustment policies for the agricultural, energy and transport sectors; social policies aimed at poverty reduction, human resource development and the improvement of health services, a

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<sup>149</sup>M. Baye,, and F. Amongwa, , "Decomposition of Inequality in the Distribution Living Standard in Cameroon". *African Journal of Economic Policy* , 2002, 9(2), pp.51-75.

rational exploitation of natural resources, forestry in particular, through the implementation of appropriate local government, taxation and land development measures and statistical monitoring of public enterprises, monitoring of internal debt as well as health and poverty indicators. The objective of the Loan was to sustain Cameroon's balance of payments through the financing of imports over the period 1997/98-1999/2000<sup>150</sup>.

### **b. The Structural Adjustment Program II**

The WB and IMF prepared the SAP-II Completion Report was prepared in August 2000. The document revealed that the implementation of the Program undoubtedly contributed to restoring aggregate macro-economic balances and enabling Cameroon to return to the growth path and check the fall in the purchasing power of the population. However, some components SAPII were as follows; the privatization of public enterprises, the restructuring of the forestry sector and other conditions that featured in SAP i<sup>151</sup>. In all, 106 measures out of the 131 conditions envisaged by the Program, 80.9 %, had been or were in the process of being implemented. The program open door for multinational companies to take over state owned enterprises as some of the state enterprises were privatized either partial or complete to foreign companies. State enterprises that were partially privatized were called parastatals that are owned a percentage of the share is owned by the state<sup>152</sup>.

### **1.2. Impact of SAP on Cameroon**

The Structural Adjustment Program greatly impacted Cameroon. The SAP policies influence Cameroon to liberalized her economy and promote Foreign Direct Investments in Cameroon. State owned managed enterprises like the Cameroon Development Corporation, The National Oil Refinery, The Cameroon Electricity Corporation were partially or complete privatized to nationals, foreign individuals and foreign companies or multinational companies to managed<sup>153</sup>. The main idea for privatizing state owned enterprise was to for efficient and effective management by private enterprises which will enhance economic growth and development. As a result, multinational corporations increased in Cameroon which greatly influenced foreign direct investments in Cameroon.

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<sup>150</sup>J.Fopa, “; Lessons on the Structural Adjustment Programmes and their effect in Africa”. *Quatinary Journal of international Agriculture* 50 no 1, OLG-verlag Frankfour, 2011, p. 4

<sup>151</sup>*Ibid*, p.6.

<sup>152</sup>World Bank and International Monetary Fund. 2001. Fighting poverty and Strengthening growth in low-income countries. Joint memorandum of the president of the World Bank and director of the International Monetary Fund, Fund development committee no dc 2001-0011, 18 April 2000.

<sup>153</sup> African Development Bank: project performance evaluation Report , 14 November 2002, p.49.

The time frame for securing adequate FDI to help Cameroon out of the economic crisis was set to coincide with the privatization program. Most of these companies that were involved in agriculture occupied vast tract of land. As a result of the SAP these lands were now control by foreign entities that bought over the companies from the states creating a significant impact to the rural communities especially in the areas they were operating. The table below shows the examples of companies that were privatized as a result of the structural adjustment programs.

**Table 1: List of State Owned Companies Privatized**

List of Corporations Privatized or in course of Privatization Company		Activity	Status
1	Cameroon sugar Company (CAMSUCO)	Agriculture	Privatized
2	HEVECAM	Agriculture(rubber)	Privatized
3	SOCAPALM	Agriculture(palms)	Privatized
4	Regiefercam (now Camrail)	Transport (Railway)	Privatized
5	Cameroon Shipping Lines (CAMSHIP)	Transport(shipping)	Privatized
6	National Electricity Corp. (SONEL) [now AES-SONEL]	Electricity Supply	Privatized
7	CAMTEL Mobile(Now MTN)	Telecommunication	Privatized
8	SODECOTON	Agriculture(cotton)	Privatized
9	BICIC(Now BICEC)	Banking	Privatized
10	SOCAR	Insurance	Privatized
11	CAMTAINER	Maritime freight	Privatized
12	SNAC	insurance	Privatized
13	Cameroon Banana' Corp.(OCB)	Agriculture	Privatized
14	Societe d'Exploitation des Parcs Bois	Forestry	Privatized
15	SCTM	Heavy Metals	Privatized
16	SOCAMAC	Heavy Metals	Privatized
17	Contre-Plaque du Cameroun(COCAM)	Wood Processing (ply wood making)	Privatized
18	Siciete Camerounaise de Bangué	Banking	Privatized
19	Cameroon Development Corporation (CDC)	Agriculture	Partly Privatized In course of Privatization
20	National Water Corporation(SNEC)	Water Supply	Privatized <sup>154</sup>
21	Cameroon Telecommunication(CAMTEL)	Telecommunication	In course
22	Cameroon Air Lines	Air Transport	Privatized
23	CNR	Insurance	In course

**Source:** Ministry of Economy Planning and Regional Development, 2014<sup>155</sup>

<sup>154</sup> *Ibid*, p. 54.

It was initially hoped that within four years, there would have been enough FDI to effect economic recovery. That is from 1990 to 1994. But this yielded no results and after the currency was devalued to further attract FDI, a new time frame was set to prolong the program from 1994 to 2004<sup>156</sup>.

### **1.3. Recent Trends on Investments on Land in Cameroon**

In the early 2000 there was the advent of globalization which opens the economy for investments. Investments took a different form in Cameroon. These were caused by the increase in biofuel prices in 2003 and 2008 general increase in the prices of agricultural products which led to global food crisis and food insecurity in Cameroon. The food crisis and the increase in biofuel led to a new wave of investments in Cameroon as multinational companies and political elites increase their demand for land in Cameroon. The global food crisis and increase in biofuel prices caused an increase in the demand for arable land and a significant increase in the amount of land requested by multinational companies and political elites for investments in Cameroon. Statistics show that thirty multinational companies claimed rights to holdings of between 1000 to 500000 hectares of land for investments and to boast the production of agricultural products<sup>157</sup>. The general perception was that plenty of land was available for large scale agricultural investments. This attracts multinational companies seeking for large tracts of land for investments in Cameroon. The trend has continued as many foreign companies and political elites seek to invest on land in Cameroon. Recently, in 2016, the government of Cameroon organized an economic conference which opened the doors for multinational companies to invest in Cameroon.

### **1.4 The Dynamics of Land Allocations to Investors**

Land sought for by foreign companies in Cameroon is land classified under the national domain. As the guardian of national lands, the state is responsible for allocating land in the national domain, which may be occupied or unoccupied, used or not used by the rural people. According to Article 17 of Ordinance No. 74-2, "National lands shall be allocated by grant, lease or assignment according to conditions to be prescribed by decree"<sup>158</sup>. The State considers national lands as a means to attract foreign investments in Cameroon in other

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<sup>155</sup>*Ibid*, p. 55.

<sup>156</sup>E. Bang. "A Study on Foreign Investment in Cameroon" MA Thesis in Public Policy management, K D I School of Public Management Korea, 2009 p .54.

<sup>157</sup> S. Nguiffo and M. S .Watio, *Agro Industrial Investments in Cameroon: Large Scale Land Acquisition since 2005*, IIED, London, 2015, p 16.

<sup>158</sup> Ordinance no 74-2 establishing the allocation of national land of 6 July 1974, p3



to enhance economic development. All projects involving large-scale land deals go through a preliminary stage where concessions are allocated on the advice of one of these committees, which decides on the location and size of the project. Thus, for multinational companies to be granted land concessions for investments in Cameroon, these companies must follow administrative procedures before having access to land.

### **1.5. Procedures of Land Concessions**

The potential investor or the company following the provisional concessions identifies the land they want and sends their application for a concession to the head of the departmental land service in the ministry of state property and land Tenure. This triggers the procedure for convening a meeting of the Consultative Committee, which is responsible for assessing applications for unregistered rural land and making recommendations that take account of local needs for agriculture and grazing, which are then passed on to higher-level administrative bodies<sup>159</sup>. After proper study of the file an evaluation commission is sent to conduct field studies to assess the area of investments and conducts negotiations with local communities during the identification phase in order to preserve local living spaces and prevent possible conflicts. After proper field work studies a report is submitted to the board for recommendations.

The consultative committee provides its reasoned opinion on the minutes attached to the application and the head of the departmental land service sends the file to the administrative authority with the power to sign the order granting land concessions. It should be noted that concessions of up to 20 hectares of land are approved by the governor and signed by the senior divisional officer of the locality. Concessions of 20 to 40 hectares of land are approved by the minister of state property and land tenure and signed by the governor of that region where the concession is granted. Concessions of 50-100 are approved from the president's office and signed by the minister of state property and land tenure and Concessions exceeding 100 hectares of land are approved and signed by the president of the republic<sup>160</sup>.

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<sup>159</sup> S. Nguiffo and M S Watio, *Agro- Industrial Investments in Cameroon: Large Scale land Acquisition since 2005*, IIED, London 2015, p 41.

<sup>160</sup> Circular No 000009/Y.18/MINDAF/D300 of 29 December 2005 contradicts the provisions of Decree No 76-166 of 27 April 1976, which determines how national land is managed. With regard to the allocation of provisional concessions, Article 7 of the Decree of 1976 states: "Concessions of less than 50 hectares are allocated by order of the ministry responsible for land. Those of over 50 hectares are allocated by presidential decree.

## V. Types of Land Concessions

The decree no. 76-167 of 27 April determining how state land is managed allows land to be rented through temporary, standard and long term lease<sup>161</sup>. The various types of land concessions in Cameroon are determined by the type of investments the investor want to invest in Cameroon. Some investments might cover a long period of time while some can cover a short period of time. Based on agro- industrial investments in Cameroon, most of these contracts cover a long period of time as the case of the Sino- Cameroon Iko agriculture in Nanga Eboko and SOSUCAM in Nkoteng and Mandjock. The government of Cameroon signed different types of concessions with potential investors who seek to acquire large portions of land in Cameroon. The different concessions are as follows;

### 1. Short Term Lease or Temporal Lease

This type of lease last for a period of five years where the company or the investors operates on the land. These short term lease is signed mainly to monitor the activities of the investors and evaluate whether their activities are in compliance with the objectives stated in their application. Within this period the government monitors and evaluates the impacts of their activities on the government stated objective and in the developments of the country<sup>162</sup>. It is important to note that after the procedure on land concessions have been accepted, short term leases are signed first to ensure effective participation and monitoring before conclusion are drawn. The state is at the privileged position as she can terminate the lease through and order from the ministry of state property and land tenure based of the findings from the monitoring process during the short term lease. In the same light, after monitoring and the conclusions are positive the state would extend temporal lease to standard and long term lease.

### 2. Standard Lease

Standard lease are assigned to an investor who seek to acquire land for a period of not more than 18years. This implies that the investor has the right to occupy the land for a period of not more than 18 years where the investor makes productive use of the land and comply with the current land tax legislation and state control. Standard lease forbids investors from assigning the lease to another party or allowing the state to pre- empts any development or construction on the land lease to investors. Moreover if the investor does not compile with the

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<sup>161</sup>Article 5 of decree no-76-167 of 27 April 1976, which determines how state land is managed.

<sup>162</sup>Interview, Guy Lebrun Ambomo, specialist in governance and management of natural resources, Assistant program director , RELUFA, 34years. Interviewed on 19 July 2017.

rules and regulations governing the standard land lease, the state can terminate the lease through an order from the ministry of state property and land tenure<sup>163</sup>.

### 3. Long Term Lease

Long term leases are agreed for a period of between 18 to 99 years. The main formality in long term lease is for the investor to defend its objectives in the short term lease and demonstrates that the agreement undertaken in the concessions are agreed and should be respected. When investors respect them long term lease are signed. They are defined as long term rental of land that should enable tenants to invest in its productive use<sup>164</sup>. Some long term leases stipulate that all or some rents are to be paid at its capitalized value when the contract is signed, making them similar to limited terms of sales. However, most of the multinational companies or foreign companies that seek to invest in the agricultural sector in Cameroon sign long term land lease with the state to gain access to large scale land for foreign direct investments. In the past, long term lease covered land for afforestation but today the trend has changed especially with the government's objective to promote agriculture especially the second generation agriculture. Long term leases have been signed by the states to promote mechanized agriculture and improve food production in Cameroon. The table below indicates companies that have signed long term leases in Cameroon.

**Table 2: Longterm Contracts for Land Concessions allocated to Agro-industrial Investments in Cameroon**

Company	Duration of Lease
Sino Cameroon IKO Agriculture	99years
HEVECAM	99years
SOSUCAM	90years
Pamol Plantation PLC	90years
SOCAPALM	60years
CDC	60years
West End Farms	50years
Tchasse Holding	30years
Penja plantation Company PHP	25years

Source: Center for Environment and Development<sup>165</sup>.

<sup>163</sup> Article 5 of decree no. 76-167 of April 1976, which determines how state land is managed.

<sup>164</sup> S. Nguiffo and Michel Watio, *Agro-industrial investments in Cameroon: Large scale Acquisition of Land since 2005*.

<sup>165</sup> CED, "Concession Contracts" at <http://openaccess.leiduniv.nl/bitstream/handle/etat.sequence=1>.

#### **4. Rights Sought by Investors and the Rural Community**

Investors and the rural community try to defend their rights to access to land in Cameroon. Investors seek for rights to ensure protection and the effective functioning of their projects void of conflict with the communities where they are operating. On the other hand the local communities sought for rights to have access in the utilization of national land based on the customary rights. We shall examine the rights sought for by investors and communities on access to national land.

#### **5. Rights Sought by Investors in Cameroon**

Investors that acquire large portions of land to carry out investments in Cameroon sought for rights in other to protect their investments in Cameroon. It is very important to note that the main objective of this foreign companies investing in Cameroon is to maximize profit. Thus these foreign companies strive to protect their rights in order to achieve their objectives. The companies therefore ensure that they have secure access to land and that their land rents be stable, as the profitability of their operations would be jeopardized by large fluctuations in rent<sup>166</sup>. Some of the rights sought by investor seeking to invest in large tract of land are; rights to secure access to land and the right to enjoy the assigned land. As concerns the right to secure land, companies obtain the right to use a specific piece of land that have been allocated to the company for the number of years signed in the land lease .Also, companies seek for rights to enjoy the assigned land so that they can plan operations without having to interact with any other actors .From the above we can see that investors seek for rights to acquire land that are protected by the concessions they signed with the state.

#### **6. Community Rights**

Certain community rights are recognized and protected under current legislation relating to land in Cameroon. “Property rights to spaces covered by land titles held by individuals or local communities”. This means that individuals and collectives have the right to fair and prior compensation for the destruction of their goods as a result of an agro industrial plantation being set up on their land. Also, communities have the right to use national land, community members have the right to be compensated for the loss of productive use of national land that has been taken over by an agro-industrial plantation. As a consequence of this right, and because of their lack of property rights to national land,

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<sup>166</sup>*Ibid*, p.42.

communities also have the right to be consulted over the allocation of land concessions<sup>167</sup>. Decree No 76-166 of 27 April 1976 determining how national lands are managed through the land consultative board. The role of the land consultative board is very important in the management of national land. Members of the board are appointed by the Senoir Divisional officer. According to chapter five , article 14 of the decree of 1974, the consultative board shall :

Make recommendations to the prefectoral authority on the allocation of rural areas to agriculture and grazing according to the needs of the inhabitants; make reasoned recommendations on applications for grants; examine and if necessary settle disputes submitted to it under the procedure for allocation of land certificates on occupied or exploited national land; and note all observations and all information concerning the management of national lands and transmit its recommendations to the minister in charge of lands<sup>168</sup>.

Money generated by alienating parcels of national land should be distributed: “money generated by the alienating parcels of national land should be distributed: 40 percent to the state, 40 percent to the commune where the land is found and 20 percent to the affected village community for a general interest activity<sup>169</sup>.

However, local communities have limited powers. They cannot influence the boundaries of the area concerned, or oppose land allocations. This means that if the state decides to use classification procedures to transfer land to foreign investors, the rural communities cannot counteract the decision.

The consultative committee is supposed to be involved in one stage of the land allocation process. Members of this committee should be drawn from the communities around the land concerned, including the chiefs. But the committee only plays a consultative role and even if they are represented on the committee, community members are still in a minority and are therefore unable to impose their viewpoint. As a result, conflicts emanates between the investor and the local communities as each party want to protect its rights

## **VI. The Implications of Land Laws and Governance to the Rural Communities.**

Land acquisition for commercial ventures implies a range of decision-making processes within host countries. It implies policy decisions about the type of agricultural development

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<sup>167</sup>*Ibid*,p. 43.

<sup>168</sup> P. Kenfack, *The Legal and Institutional Framework on Access to Information in the Granting and Management of Land Concessions in Cameroon*. Herve momo(Creative Cameroon), Yaounde, 2015 p. 29.

<sup>169</sup>S. Nguiffo and M.S, *Watio, Agro- Industrial Investments: Large Scale Acquisition of Land in Cameroon Since 2005*, p. 43.

that is envisaged and promoted, about the on external parties, and about the discretionary use of powers typically held by the state over the allocation of land<sup>170</sup>. Land occupied by the rural communities for their economic ventures is classified under the national domain as a result, when foreign investors seeks for land under the national domain to engage in large scale agricultural production it turns to conflicts with the rights of the rural communities to customary land ownership. We shall examine the importance of land to the local communities and the implications of land governance to customary land ownership in the rural communities.

### **1. Importance of Land to the Rural Communities**

Land is life to the rural population in Cameroon. Land is not just property or an asset to the rural people, but it has cultural, economic, social-economic and even political significance. In most rural areas of Cameroon land has an enormous cultural significance. For instance, Land is perceived as the resting place for ancestors. For this reason, land on which an ancestor is buried is highly valued by the family lineage<sup>171</sup>. Due to this, in some rural areas, though land has emerged to have a commercial value, there are still specific areas with cultural attributes which normally cannot be sold. Land ownership in many rural areas in Cameroon is a form of security and power. Many rural inter-communal squabbles can be traced to have struggle for land as one of its cause. To these rural people, owning land does not just signify power but secures a future for their descendants in the community. The importance of land to rural socio-economic welfare is indisputable. Land to the rural people promotes economic growth and human welfare. Rural land has the following socio-economic relevance to rural communities;

Land as a resource for agriculture: Agriculture includes crops, livestock, fishery and forestry. Agriculture is the main economic activity of the rural population in Cameroon. Agriculture is also a source of food to rural communities. Food is one of the most important basic need of humans. The rural people still largely practice subsistence agriculture and produce on small scale usually for family consumption and commercial purposes which brings family income. This income is used to meet other needs such as education, health. Many rural communities also depend on the communal forest as a source of food and hunting both for consumption and for commercial purposes. In a survey carried out by Transparency

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<sup>170</sup> W.L Alden, Cutla and Taylor, "Land Rights and the Rush for land: Findings on the Global Commercial Pressure on land Research Project" ILO, Rome, 2012, p. 51

International Cameroon in 2016 in the rural communities in Cameroon, up to 63% of rural women indicated that agriculture is their main source of income<sup>172</sup>. Failure to have access to land hinders agriculture and drastically cut on rural women income and thus increases rural poverty.

Land as a source of health to the local communities. Good health is very important for both human and socio-economic development. The rural people resort more to traditional healing than scientific healing. Different rural communities have different plants/roots which are uniquely cultivated in specific areas which are attributed to be cures for specific health conditions. The land on which such plants grow is life-sustaining and very important for the well-being of these community people. This also accounts for reasons why certain Forests are very important to certain rural communities<sup>173</sup>.

Land as a source of Shelter to the local population. Everyone needs a place to call home. In most areas of rural Cameroon, land is perceived as a perpetual home. , rural land has family ties too. Reasons why people may migrate from their area of origin (villages) but would always return to build their “permanent” home on the land where they have their family ties.

Thus, if land is one of the most important assets to the rural people in Cameroon and is very important in socio-economic well-being, it therefore means it plays a very important role in their socio-economic development. We can see that land is very important to the local population for the rural population depend on land for the survival. Most of this land enjoyed by the rural community is classified under the national domain because the land are not registered. The rural population claim customary rights over the land. Thus the state allocates this land to investor who seeks to acquire large tracts of land in Cameroon. These deprived the local communities from their customary rights and create conflicts between the local population and the investors.

## **2. Land Governance and its Effects on the Rural Communities**

Governance advocates for the rule of law and a participatory operation based on accountability, transparency, efficiency, responsiveness without exclusion. Land governance involves a procedure, policies, processes and institutions by which land, property and other

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<sup>172</sup>L. Nayssi, “The Implications of Poor Land Governance on the Reduction of Rural Poverty in Cameroon”, Transparency International, Cameroon, March 2017 , Presented on the World Bank Conference on Land and Poverty, p.3.

<sup>173</sup>*Ibid*, p.5.

natural resources are managed. This includes decisions on access to land, land rights, land use, and land development<sup>174</sup>In Cameroon, land governance affect the rural communities as the procedure for acquiring land titles involves multiple intermediaries. The consequence of this on the rural communities includes the fact that some of them become discouraged to acquire land titles. They defend their right to ownership on the customer laws which is not protected. The only document that claims ownership is the land title. Some land owners in the rural communities are ignorant about the land title<sup>175</sup>. As a result, a majority of the rural community land remain with untitled land and place under the custody of the state. Investors who seek to acquire land for investments are open to this land which highly valued by the rural population.

### 3. Customary Land Tenure

Customary land tenure land-tenure system in force in Cameroon since 1974 does not provide for customary land ownership. This trend was contrary to the option adopted in the 1963 legislation, which explicitly recognized the customary ownership rights of indigenous and local communities to conclude that the State is the absolute owner of land in Cameroon. . The reading of the laws, regulations and legalized social practices would identify legal opportunities that can strengthen customary land tenure in Cameroon. The adoption of Law No. 96/06 of 18 January 1996 to amend the Constitution of 2 June 1972 provides neglect customary rights to land ownership<sup>176</sup>. The rural communities used land classified under the national domain for hunting, agriculture, habitat, gathering of food and for their traditional rituals. When this land is allocated to foreign investors, the rural communities are deprived from the use of this land where they claim customary ownership Most of the inhabitants in the rural communities are ignorant of the fact that Customary ownership of land is not covered by the law this turns to influence the rural communities especially with foreign direct investments by foreign investors in the national land that was formally use by the rural communities.

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<sup>174</sup> S. A. Kojor, "Land Governance in Africa: How Historical Context has Shaped key Contemporary Issues Relating to Policy on Land". Framing the Debate Series, no.1. ILC, Rome, 2012 ,p. 7.

<sup>175</sup> R. Egbe Oroch Tabe, "The Indigene-Settler Divide, Modernization and the Land Question: Indications for Social Dis order in Cameroon", *Nordic Journal of African Studies* , University of Buea, Cameroon, 2005, pp. 68-69.

<sup>176</sup>Land tenure in Cameroon.http// [www.acdb.org](http://www.acdb.org) accessed on 22 July 2017 at 10:30 am.



#### 4. Expropriation and Compensation

With the recent march towards development, influx of foreign investors and Urbanization, many rural communities in Cameroon have been forced to move away from their land. Notwithstanding, Law No.80 of July 21, 1980 to amend certain provisions of ordinance No. 74-1 of July 1974 to establish rules governing land tenure provides general provisions governing expropriation of land in Cameroon<sup>177</sup>. Section 1(1) stipulates that the state may expropriate land for projects of general interest and public use. Section 3(1) further holds that “Persons affected by expropriation shall be entitled to compensation in cash or in kind under the conditions defined in this law”<sup>178</sup>. However, when the state allocates portions of national land to foreign invest at times the compensation is very little a does not create any added impacts on the local communities. Also, the rural communities are deprived from land which is a source of livelihood the rural population.

#### 5. Land Registration in Cameroon

It is necessary to analyse the 1974 Land Ordinance in detail within the context of access to land in Cameroon. When the 1974 Ordinance was introduced, it distinguished between registered land and non- registered land. According to the Ordinance, any land that is not registered under this law is considered as national land. It is worth noting that the State’s attempt to control land was not a new phenomenon in Cameroon. There has been a long history of struggle for control or ownership of land running from the colonial land laws to post- colonial land enactments. To halt this struggle, the 1974 Ordinance has laid emphasis on the need to register land. A major strategy of the State was to use land registration as the only means of securing one’s absolute right over a piece of land. Under the Ordinance, unregistered land included land acquired under colonial rule; land registered under the transcription system; and those lands that were covered by a final concession. For these specie of documentary titles in land, a time frame of ten years, starting from 5th August 1974, was provided for holders to convert these old deeds into the new regime of registration.

When the period elapsed, land not properly registered would be forfeited and revert to a common pool of ‘National Lands’. The vast majority of citizens without any State recognized document of title had their lands absorbed by this all-embracing notion of “National Lands”. Land owners who could prove that they were in occupation of the land before 5 August 1974

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<sup>177</sup> Transparency International. “Corruption in the Land Sector”, *TI Working Paper*, No. 4, 2 p.1.

<sup>178</sup> Ordinance No 74/1 of July 6, 1974 to establish rules governing land tenure – registration becomes the sole means of accessing land ownership and all unregistered land comes under state control.

were given a ten-year period within which they could register the land. In principle, no registration of unoccupied land could take place under Decree No. 76-165, even if the land was claimed by individuals or a customary community. There are only two patterns through which national lands could be converted into private property through registration and by concession. But the land registration is the paramount pattern because although land is acquired through concession, such land must be registered in order to consolidate ownership.

## **6. Procedure for Land Registration**

The Decree of 1976 establishes the conditions for obtaining land certificates in Cameroon. According to the law, persons eligible to apply for a land certificate for the national lands they occupy are the customary community members or any other person of Cameroonian nationality on condition that the occupancy or exploitation of the land predates 5 August 1974<sup>179</sup>. The Decree of 1976 which establishes the conditions to obtain a land certificate stipulates that a land certificate shall be the official certificate of real property rights. Also, once a land certificate is obtained, it shall be unassailable, inviolable and final. The land certificate can only be challenged on the condition that there was an error from a government service in the course of the registration procedure of the certificate or if the sale of such land is cancelled. Any of these occurrences may necessitate the withdrawal of the certificate by the Ministry of Lands.

It is worth mentioning that though the 1976 Decree establishes the guiding conditions for land registration in the country, it has failed to meet the demands of most Cameroonians seeking land certificates. This is because although the procedure to acquire a land certificate is supposed to be very flexible to enable both men and women to easily claim ownership over property, and this in the contrary turned out to be very rigid<sup>180</sup>. Bedeviled by unwarranted bureaucracy, the certification procedure has become discriminatory against women who, unlike men often lack the financial means, time and human favour to easily overcome the hurdles accompanying the registration procedure. These setbacks led to the amendment of the 1976 Decree ameliorating the procedure to obtain a land certificate.<sup>181</sup>

The 2005 Decree was enacted with the intention of improving on the registration procedure in order to accommodate the equality principle. Under it, any person eligible to

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<sup>179</sup>Ministry of state property and land tenure, Land tenure and states land in Cameroon: laws, ordinances, decrees, orders, circulars and intructions. Yaoude, 2008, p 46.

<sup>180</sup>S. P. Munge, "The concept of equality and access to land: The case of the Anglophone region of Cameroon", PhD Thesis in Law, University of Buea, 2011. P.117.

<sup>181</sup>*Ibid* p. 50-51.

apply for a land certificate for national lands shall prepare an application in four copies, the original of which shall be stamped, stating the full name, parentage, domicile, profession, form of marriage, nationality of the applicant, and the name in which the property is to be registered<sup>182</sup>. A description of the property (situation, area, nature of occupancy or exploitation, estimated value, details of liabilities with which it is encumbered) should be made available in the application file. After that, the file shall be lodged with the District Head or the Divisional Officer of the area where the property is situated. Also, as soon as the file has been received, the DO shall deliver a receipt to the address indicated on it within 72 hours. Then the DO shall transmit the file to the Divisional Delegate of Land Tenure within 8 days<sup>183</sup>.

This section addresses the issue of time factor which rendered the procedure of land registration under the 1976 Decree ineffective. Upon receiving the file, the Divisional Delegate of Land Tenure shall, within the next 15 days, ask the Head of the Divisional Delegation of Land Tenure Service to publish a summary of the application, posting it at the offices of the Divisional Officer, the District, the City Hall or the palace of the village concerned. Furthermore, on the proposal of the Head of the Divisional Land Tenure Service, the competent Divisional Officer or District Head - Chairperson of the Land Consultative Board, shall issue a decision fixing a date for the establishment of the right of occupancy or exploitation of the said land. Also, where there are many applications, the head of the Divisional Land Tenure Service shall publish every month, upon the decision of the Sub-Divisional Officer or the District Head concerned a schedule of the Land Consultative Board's activities<sup>184</sup>. Pursuant to article 16 of Ordinance No. 74/1 of 6 July 1974 to establish land tenure, only the Land Consultative Board shall be competent to assess the occupancy or exploitation of national land of first category in view of obtaining a land certificate.

When the property to be registered concerns many administrative units, all the Land Consultative Boards concerned shall meet jointly. They should be convened by the unit that has the file in its keeping. In case of effective occupancy or exploitation, the Board shall immediately have the property demarcated by the sworn Surveyor of the Surveys Service in the presence of neighbours of the land. Cost of demarcation shall be met by the applicant. When demarcation cannot be entirely carried out in the presence of all members of the Land

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<sup>182</sup>Decree No. 2005/481 of 16 December 2005 to amend and supplement some provisions of Decree No. 76/165 of 27 April 1976 to establish the conditions for obtaining land certificate.

<sup>183</sup>Ministry of State Property and Land Tenure, Land Tenure and States land in Cameroon: Laws, Ordinances, Decrees, Orders, Circulars and Instructions. Yaounde, 2008, p 50.

<sup>184</sup> *Ibid*, p.51.

Consultative Board, the President of the said Board shall monitor the demarcation work till its completion. On completion of the demarcation, a plan and detailed report shall be drawn up by the Surveyor<sup>185</sup>. The plan shall be signed by the Surveyor.

The detailed report of the demarcation shall be signed by the Surveyor, the Chairperson of the Land Consultative Board, the Head of the Divisional Land Tenure Service, the village Chief concerned and the neighbours, stating: the full names of the parties concerned; a description of the recognized boundaries, and the length of the sides shall be included in the report. Thirty days after the meeting of the Land Consultative Board and the Divisional Delegate of Land Tenure shall transmit the file (containing the documents enumerated in article 11 of this decree, together with the detailed report of the Land Consultative Board, 5 (five) copies of the plan, and the detailed report of the demarcation of the property) to the Regional Delegate of Land Tenure.

Furthermore, the Head of the Regional Land Tenure Service shall register the land certificate application in the regional land registry book and a notice of final demarcation shall be published in the Land Notice Bulletin. Also, if it has been approved, the file shall be transmitted to the Land Registry for further proceedings or it will be transmitted to the Divisional Delegate of Land Tenure for Corrections. Each Regional Delegation of the Ministry in charge of State Property and Land Tenure shall publish a Land Notice Bulletin. From the day the application for registration is lodged at the District or Sub-Divisional office, until the expiry of a period of 30 days from the day of publication in the Land Notices Bulletin of the notice of final demarcation, any interested party may intervene either: with an objection, where there is a dispute concerning the person responsible for the development of the land, or with an application for registration, in the event of a claim being based on the existence of a real right or of an encumbrance liable to be entered in the certificate under preparation. Where there is no objection, no opposition, no previous application for registration or no withdrawal, the Land Conservator shall enter the property in the land register and establish a land certificate.

The land certificate shall contain the description of the property with details of its composition, contents, situation, boundaries and adjacent areas. It will also contain details of owner's civil status; the existing real rights on the property and encumbrances attached to it; a serial number and specific name; the situation plan of the property duly signed by a sworn

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<sup>185</sup>Decree No. 2005/481 of 16 December 2005 to amend and supplement some provisions of Decree No. 76/165 of 27 April 1976 to establish the conditions for obtaining land certificate.

Surveyor and countersigned by the Head of the Divisional Surveys Service in whose area the property is situated. The innovations introduced by the 2005 Decree for processing a land certificate applies to all who intend to acquire a legal right over land. The certificate can now be obtained at the Regional level and not from the national level as in the old. The stated time limit for the process of a land certificate has made the Ministry of State Property and Land Tenure to be applauded for instituting not only the procedural but also institutional innovations through the 2005.

## **VI. Policies Encouraging Investments in Cameroon**

Cameroon Since independence and reunification have developed policies attractive for investors. As a result, multinational corporations rush to invest in Cameroon mainly because of the favorable investments policies that protects and encourage foreign direct investments in Cameroon. This investment codes has been revised over time. However, one of the major problems is the implementation of these policies. This makes the credibility of the government within its multi-lateral and regional circles not only limited but questionable as regards its capacity to maintain its trade and investment polices vis-à-vis private investors or prospective private investors<sup>186</sup>. The Cameroonian business laws on paper are clear, few foreign investors have come forward because implementation of those laws is problematic. In the context of Cameroon investment law, an Investment Code is a policy document for the government targeting the regulation and promotion of investment in the country. The first of these was in 1960, followed by 1984, 1990 and lastly the 2002 Investment Charter. It does not have enforcement power but, in the case of a dispute, the applicable laws will apply<sup>187</sup>.

Investment codes are legal documents as well as guides for companies and individuals interested in investing in Cameroon. As would be expected of any road map, the code helps the prospective investor to navigate through complex rules and regulations governing what is frequently referred to as “doing business” in that particular country. The code provides useful information on eligibility requirements for doing business in Cameroon<sup>188</sup>. The most important component of an investment regime is the regulatory framework. In Cameroon, the regulatory and institutional framework for investments were formed when Cameroon achieve independence in 1960. The investment code has been revised as from 1960 to 2002,

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<sup>186</sup>J. Acheleke. “Foreign Direct Investment and the Activities of Multinational Corporations in Africa :The Case of Cameroon”, M B A Dissertation Business Administration, Business School Pretoria, South Africa, 2004. P. 20.

<sup>187</sup> Cameroon Investment Charter 2002, National Printing Press, Yaounde, 2002, pp. 20- 24.

<sup>188</sup> Onorine Mouka, “ Establishing Effective Regulations on Foreign Direct Investments in Cameroon” MA Thesis, University of the Western Cape, Republic of South Africa, 2012, p. 15.

Cameroon have designed different investment codes. This chapter seeks to examine the different investments codes since independence, the CEMAC investment code and the law governing the recent investment code in Cameroon.

## **1. The Historical Development of Investment Codes in Cameroon**

After Cameroon attained independence in 1960 and eventual reunification in 1961, the country was in high need of market and technology for its abundant supply of raw materials for fear of economic colonialism. Emerging from a period of colonialism, Cameroon came up with its first investment code in 1960.

### **a. The 1960 Investment code (Incentives)**

The driving force behind the promulgation of the 1960 investment code was the invitation and expansion of FDI in the country. To this effect, a number of incentives were provided by the government to promote investment by both local entrepreneurs and foreign investors. This code opens the doors for multinational companies to invest in Cameroon. The 1960 Investment Code was designed to achieve a dual purpose, attract investment and assist in achieving the development objectives of the state. It offered four categories of incentives to business enterprises. (Schedules A, B, C and D) corresponding to the activities of sectors where the government wanted to attract investments<sup>189</sup>.

The 1960 investment code offered lots of incentives to investors, as seen in the offer of exemption from paying royalties given to industries in the mining and timber industries under schedule A and B enterprises from tax on profits for up to 15 years. This was however, not enough to guarantee the success of the 1960 code as foreign investors, though attracted by these incentives and benefits, emphasized a coherent and trust-worthy trade policy and framework which were visibly absent in the 1960 code. The code was entangled in too many administrative red tape and bottle-necks. The investment code hampered by such inadequacies was bound to fail, giving way to the 1984 investment code<sup>190</sup>.

### **b . The 1984 Investment Code**

In 1984, the Cameroon investment was rectified. This was mainly because of the hard hit economic crisis that affected African countries. Cameroon also affected by this crisis

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<sup>189</sup> N. Kamegu, "Investment Codes as instruments of Economic Policy: A Cameroon case study", 25 *Law Journal Library* 1991, p. 822.

<sup>190</sup>P. Nkwi and F. Nyamnjoh "Regional Balance and National Integration in Cameroon, Lessons Learned" in C; Ngwasiri, *The Effectiveness of Legal Instruments in Achieving Regional Balance and National Integration in Cameroon* ed 2011, pp. 59-68.

decided to rectify the 1960 investment code .This code was ratified by Law No 84-03 of 04 July 1984<sup>191</sup>. The main thrust of this code was the recognition of the importance of private investment and the opening up of the economy, to the achievement of the objectives of the Five-Year Economic, Social and Cultural Development Plan. The incentives were centered on important tariff exonerations for some imports and more fiscal inducements. The aim was to encourage not only private domestic investment, but also foreign investment in productive activities. Much emphasis was given to the promotion of small and medium-sized enterprises. The main incentives and guarantees of the 1960 code were directed at foreign investors rather than domestic investors<sup>192</sup>.

Thus the basis of the 1984 code which was intended to correct the short-comings of the 1960 was found to be the same as that of the latter. One of the major incentives of the 1984 code was the country's adoption of the Structural Adjustment Program (SAP) of the Bretton's Wood Institution. The procedure to establish an industry under the 1984 code was as long and bureaucratic as that of the 1960 code. Foreign investors, at whom the code was primarily directed, found the entire investment climate in the country ineffective. The lack of trust and loss of confidence by foreign investors led policy makers to adopt the 1990 code<sup>193</sup>.

### **c. The 1990 Investment Code**

The 1990 investment code was based on Ordinance No. 90/007 of 08 November 1990 promulgated the 1990 Investment Code into law. This code replaced Law No 84/3 of July 4, 1984 (1984 Code) and is intended to plug some of the loop holes in the 1984 Code and to play a catalytic role in the government's strategy to contain the economic crisis by attracting highly needed domestic and FDI to the country. The Codes objective was encouragement and promotion of productive investments in the country through liberalization of the economy<sup>194</sup>.Incentives were available open to both domestic and private investors in the application of the 1990 Code. The globalization of states economy and the food crisis in the early 2000, influence the revision of the 1990 investments code. The persistent increase in the prices of agricultural products influence the Cameroon national assembly to revised the code.

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<sup>191</sup>[http://www.afdb.org/fileadmin/uploads/afdb/Documents/Knowledge/09484246\\_en\\_fdi\\_and\\_economic\\_growth](http://www.afdb.org/fileadmin/uploads/afdb/Documents/Knowledge/09484246_en_fdi_and_economic_growth), accessed 1 April 2017 10;15.

<sup>192</sup>*Ibid*.

<sup>193</sup> G. Awa "Investment Legislation in Cameroon" available in [pdf.usaid.gov/pdf\\_docs/PNABR\\_910.pdf](http://pdf.usaid.gov/pdf_docs/PNABR_910.pdf) accessed 9 December 2016, 11:00am.

<sup>194</sup> N. Kamegu "Investment Codes as instruments of Economic Policy": A Cameroon case study" 25 *Law Journal Library* 199I, pp.361-366 .

Cameroon's primary investment law was the 1990 Investment Code (Ordinance No. 90/007). Its incentives were identical for foreign and domestic investors and provided basic guarantees to investors, including property ownership, ability to repatriate capital and income, prior compensation in case of expropriation, freedom of movement within Cameroon and free access for personnel.<sup>195</sup>In 2002, the National Assembly rewrote the Code and adopted the Investment Charter, which is largely based on the one adopted by the Economic and Monetary Community of Central Africa (CEMAC) in 1999. The Charter substantially strengthens the advantages and legal guarantees accorded to companies wishing to invest in Cameroon. The Charter established three bodies to facilitate investments and exports: the regulation and competitiveness board; the investment promotion agency; and the export promotion agency. *l'Agence de Promotion des Investissements du Cameroun* (API) was created in 2005 and became functional in February 2010, although full operation is still limited. .

#### **d. The 2002 Investment Charter**

The 2002 investment charter was influenced by food crisis or food insecurity in Cameroon. This crisis led to a drastic increase in the prices of goods. The 1990 investment code revised the current investment charter based on the current law governing investment policies in Cameroon is law no 2002/004 of 19th April 2002. The scope of the above law is defined in its section 2, where in its determination to build a competitive and prosperous economy by boosting investment and savings, and attaining its economic and social objectives, the pace was set for FDI by the Cameroon government. In anticipation of achieving these goals, a lot of attention was given to entrepreneurs, investors and private enterprises as important means to develop the economy and create wealth and employment. Cameroon like most African states has been and is still in the process of creating an environment conducive to FDI since the early 1960s. Since then, legislations have been enacted with the aim of attracting FDI<sup>196</sup>.

This position was strongly endorsed by the United Nations General Assembly when it recommended, in 1954, continuous efforts by both capital-exporting and capital importing countries to stimulate the flow of private capital to the underdeveloped countries. This resolution came out of the recognition that the international flow of private investment for

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<sup>195</sup> N. Kemagu, "Host-Nation Regulation and Incentives for Private Foreign Investment: A Comparative Analysis and Commentary" *International Law Journal* vol 15,199, pp. 367- 368 .

<sup>196</sup> Section 2 of 2002 Cameroon Investment Charter



productive activities contributes to the raising of living standards by assisting in the development of natural resources, the expansion and diversification of agricultural production and the growth of technical skills. . A few years later the United Nations General Assembly reaffirmed its belief that private foreign investment was crucial to third world development when it designated the 1960s as the United Nations Development Decade and issued a plea to member-states to “pursue policies which will lead to an increase in the flow of development resources, both public and private, to developing countries on mutually acceptable terms”<sup>197</sup>.

In his 1989 New Year address, President Biya of Cameroon reiterated his government’s commitment to enlist the help of foreign investors in the economic development of the country: “In order to increase our sphere of activity, we must continue to inspire confidence in foreign investors. To achieve this end, we have precious assets ... We need a more attractive investment code would greatly contribute to economic growth and the advancement in technology required by the country to be competitive in the global economy”<sup>198</sup>.

The extent to which these investment laws and regulations have impacted on the flow of FDI into the host country is debatable. However, foreign investors see investment laws as an important barometer to measure the investment climate in a given country<sup>199</sup>. It is, therefore, not surprising that lawyers who counsel private foreign enterprises conclude that investment laws and policy influence investors in varying degrees in making the decision to invest in a particular country. Recognition of the importance of the investment codes has led to a spate of laws, reviews and analyses of this ever changing area of the law, as well as the publication of legal measures of doing business in one developing country<sup>200</sup>. This however in Cameroon, as section 10 of the 2002 Investment Charter gives the foreign investor complete freedom to repatriate foreign capital invested, operating profits, as well as staff savings from salaries.

## **2. Impact of the CEMAC Investment Code on Cameroon**

CEMAC has a long history dating as far back as 1964. Then called the Central African Customs and Economic Union (UDEAC), a group of Central African countries committed themselves after independence to bring about regional integration for political and economic

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<sup>197</sup> *Ibid.*

<sup>198</sup> President Paul Biya 1989 New Year Address to the Nation “ Better Days Ahead for Us” Cameroon Tribune 2 January 1990.

<sup>199</sup> K. Ndiva, “Host-Nation Regulation and Incentives for Private Foreign Investment: A Comparative Analysis and Commentary” *International Law Journal*, 1991 P. 364

<sup>200</sup> *Ibid* pp. 370-375.

objectives. The underlying purpose was that each member state achieves economic strength and together acquires the benefits that ensure from countries teaming up together. Created in Brazzaville (Congo), it was aimed at promoting intra-regional trade among Central African countries. UDEAC was revived in 1994 to give rise to CEMAC<sup>201</sup>.

CEMAC, a sub-regional organization, is comprised of six member states: Cameroon, the Central African Republic, Chad, Congo Brazzaville, Equatorial Guinea and Gabon. The main purpose of this organization is the promotion of trade and a common market among its members through economic integration among countries sharing the same currency the CFA. The advantage that comes along with this integration is the solidarity among members who all have the advantage of receiving quota restrictions and tariff reduction. The ultimate aim was however to create a common central African market. Thus a sub-regional market functions within the frame work of economic and monetary union by merging into a common political, financial, legal and economic structures and policies<sup>202</sup>. Cameroons commitment to the CEMAC investment code is defined in Section 33 of the Cameroon's investment charter, stating in the state guarantee on the application of moderate customs duties and adherence to the principles of their reduction within the framework of the policy defined by CEMAC and in conformity with the provisions of the World Trade Organization. The State reaffirming its willingness to implement the economic and deferred payment regimes provided for in the CEMAC customs code<sup>203</sup>.

According to article 1 of the CEMAC investment code, Cameroon benefits from this Treaty as a result of it strengthening competition of its economic and financial activity, Cameroon also benefits from the common market through its membership to this organization, the free mobility of goods, capital, persons and services within this common economy is guaranteed. The governing body, according to the CEMAC investment code, met and agreed on the creation of the Bank of Central African States (BEAC) for the purpose of strengthening monetary policy within the common market. This is an added advantage for the Cameroonian economy as the circulation of cash flow and the credibility of its currency are stabilized. This creates an assurance for foreign investors to invest in Cameroon as it both creates access to market in Cameroon and there is a possibility of market choice within the CEMAC region in terms of the harmonized currency, the Franc CFA in *Communaute*

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<sup>201</sup>J. M. Gankou and N Ndong, "Is the Regional Integration in Central Africa in Question" (2008) 2 *African Review of integration*, pp. 12-15.

<sup>202</sup> S. G. Bongyu, "The Economic Monetary Community of Central Africa" (CEMAC) and the Decline of Sovereignty" (2009) 44 *Journal of Asian and Africa Studies* pp389 406

<sup>203</sup> Law n° 2002/004 of 19th April 2000 of the Cameroon Investment Charter.

*Financiere Africaine*<sup>204</sup>. This encourages foreign investors to invest in Cameroon knowing that, with the CFA in Cameroon alone, it would be exchanged with and circulated around member countries in the region. It is important to note that the fact that the BEAC governs the monetary affairs of the CEMAC region situated in Yaoundé, the capital of Cameroon, Cameroon's membership of the CEMAC region is increasingly becoming a tool in the promotion of its FDI strategies and a means for the legitimization of its policies. Peace and harmony are maintained within the region. This is an indication of the fact that effective implementation of the region's strategies and priorities, combined with Cameroon's domestic policy reforms, would attract increased regional and FDI given the country's rich endowment with natural resources and primary products<sup>205</sup>.

## **Conclusion**

The historical overview of LSLAs suggests that the evolution of land legislation in Cameroon has produced land laws that deprive indigenous communities from playing a decisive role in the management of their land. This has produced the recent legislation where individuals can only be granted access to land by the state. The post-colonial dispensation on the legal framework of land in Cameroon has an impact on the rural communities on the exclusion from land management as was the case in the colonial days. The African experience exemplifies such complex legal and normative pluralism<sup>206</sup>. In most cases, the notion of customary law continued to be utilized by the rural population in Cameroon. Indigenous laws, institutions and normative orders persisted in some form precisely because they corresponded better to the values and needs of the population, for example in gaining access to land and regulating land use. While foreign administrators incorporated elements of the indigenous laws into the new colonial state structure, the existing population continued to utilize indigenous laws and normative systems, creating new interactions between statutory legal systems that included notions of customary law and actual systems and norms that were in practice. Land governance in Cameroon is a complex system characterized by tensions between various competing normative orders. Competing legal regimes governing land tend to interact with socioeconomic and ethnic divisions, inevitably leading to the marginalisation of the majority from a major resource. Moreover, The land ordinance in Cameroon has

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<sup>204</sup>V. Nde, "The International Law on Foreign Investments and Host Economies in SSA" London, Hargreaves, p. 102.

<sup>205</sup> E. Ngongang "New Regionalism in SSA: A means to Attract FDI and to Legitimate Democratic Governments", *African Journal of Political Science and International Relations* 015 026, 2009, pp. 480-482.

<sup>206</sup> L. Fonjong et al, *Large Scale Land Acquisition: Implications to Women's Land Rights in Cameroon*, Canada, International Development Research Center, 2016, P.45.

shaped the management of land and access to land in Cameroon. This land governance place the state at the center of land which has greatly affected the rural communities in case of large scale land acquisition.

The introduction of written law in Cameroon did not entirely annihilate existing customary laws, it established new legal categories which coexisted with the existing ones but also weakened them. The new laws were thus created by virtue of reducing the rights of the rural communities on access to land and land ownership. The lands and resources were regulated by the different customary laws operating within each community. Colonial law created two new categories of land rights which restricted the populations right to customary ownership. The colonial legislation also demonstrated ignorance of two critical cultural aspects of the peoples of Cameroon in the context of land rights. First, the intangible rights associated with cultural use of the land and its resources, which are often of a sacred nature. Second, the rights over the natural resources, which represent a significant part of the local communities activities on the land<sup>207</sup>. The local production systems place a high level of importance on hunting, gathering and collecting which literally have no role in agriculture, and led to the conclusion that the land was vacant and unused. The land Ordinance there fore open land in the rural communities for large scale acquisition.

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<sup>207</sup> P.E.Kenfack et al, Land Rights and the Forest People of Africa: Historical, Legal and Anthropological Perspectives, Right and Resource Initiative, United Kingdom, 2009, P. 8.

## CHAPTER TWO

### ACTORS OF LARGE SCALE LAND ACQUISITION IN CAMEROON

#### Introduction

Cameroon has been blessed with vast abundant land that has attracted many investors both national and foreign to acquire vast tracts of land for investment and for speculative motives. This have led to the phenomenon of large scale land acquisition popularly referred to as land grab in Cameroon that greatly affected the local communities in Cameroon. According to the food and agriculture organization (FAO), Cameroon has about 6.2 million hectares of arable land, of which only 1,3 million hectares just about 20 percent are cultivated<sup>1</sup>. Land is an indispensable asset for the livelihood of rural and peri-urban dwellers and is a life line for many vulnerable segments of the population. It represents their welfare for daily survival, shelter, income, wealth, identity and social. Secure access to land reduces vulnerability to hunger, poverty, resource conflicts and guarantees hope for present and future generations as well as provide incentives for sustainable resource management and development.

The demand for land has increased both at the global and national level in recent years. Many multinationals and political elites seeking for large tracts of land for agriculture has increase drastically in Cameroon. The arguments that there is plenty of arable land available for cultivation are based on the assumption that land is vacant and ownerless<sup>2</sup>. This assumption failed to undermine the fact that under effective exploitation at any given time does not mean it is vacant or idle. The absence of effective exploitation does not dispossess the natives of their rights to such land because it could be communal forest where the rural communities carry hunting, land under or scared forest and sanctuaries.

Local communities in Cameroon historically used land for these purposes until the advent of decree No. 76/165/76 that instituted land titling as the only proof of land ownership<sup>3</sup>. The trend has change especially with the efforts of the state to improve on agriculture and economic growth in Cameroon in other to achieve her vision 2035 of Cameroon being an emerging nation. The second generation agriculture launched by the

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<sup>1</sup>S. Nguiffo and Michel watio, *Agro Industrial Investments in Cameroon : Large Scale Land Acquisition Since 2005*, International Institute of Environment and Development, London, 2015,p.3.

<sup>2</sup>Aden, Cutla and Taylor, "Land rights and the Rush for land: Findings on the Global Commercial Pressure on land Research project" Rome, International land organization, 2012, p.15.

<sup>3</sup> L. Fonjong et al, *Large Scale Land Acquisition: Implications for Womens Land Right in Cameroon*, Canada, International Development Research Center, 2016,p.83.

ministry of agriculture and rural development was focused on the mechanisation of agriculture to improve the yields, attracted many Multinational companies, political elites and land speculative investors to acquire large tracts of land for investments in Cameroon. Since the global rise in food prices of most agricultural commodities, there has been an increase in the acquisition of arable land by multinational firms, foreign state agencies and political elites for commercial production in Cameroon. This Commercial Pressure on Land (CPL) has greatly affected the rural communities that depend on land for their survival. Struggles over land is one of the defining features of movements to overcome poverty, hunger, discrimination, and political repression in the 21<sup>st</sup> century. Competition for land and natural resources is likely to continue and even intensify<sup>4</sup>.

Growing demand for food, fuels, and other commodities, combined with a shrinking resource base and the liberalisation of trade and investment regimes are among factors driving a new global rush for land. Lands that only a short time ago seemed marginal to the global economy are now being sought by international, national investors and speculators to an unprecedented degree, placing the latter in direct competition with local communities for access to land, water, and other natural resources. The land rush has attracted global attention. Deals involving hundreds of thousands of hectares. Yet the acquisition of vast areas of land for commercial production has increase in Cameroon in the recent years due to the demand for land-derived commodities that have accelerate these processes.

The effects of large-scale land acquisitions and wider commercial pressures on land can be conceptualised in several dimensions. That is local level, national level and global level through world markets and global ecosystems. They can include direct outcomes such as new employment or loss of access to a resource or more indirect impacts such as changed food security, Income and livelihood. The commercial pressures on land have different impacts on different groups of people<sup>5</sup>. Such groups include international land acquirers and host country elites, the populations of host countries, other countries and the local communities directly affected. The rural communities are most likely to be negatively affected. notwithstanding, it should be noted that commercial pressures on land is not a phenomenon that affects only pockets of rural minorities but one that affects rural majorities, and indeed whole societies, in many parts of the world.

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<sup>4</sup> O. Schuter, *Tainted Land: Corruption in Large Scale Land Deals*, Cambridge university press, USA, 2010,p.25.

<sup>5</sup>Aden, Cutla and Taylor, "land Rights and the Rush for land...", p .195.

All valuable land is used or at least claimed by local people. The land that forms the prime focus of large-scale land acquisition were land under permanent cultivation but unfarmed forests, grasslands, and marshlands held and used as communal assets by rural communities. These lands were usually owned collectively by tradition and customary law and also used collectively. While all households benefit from these collective resources, richer households typically earn most from their use while poorer households with smaller farms were most dependent on them for their livelihoods.

Even though many governments do not give recognition or protection to any customary ownership rights, they may prefer not to allocate permanent farmland and residential land to investors and speculators in order to limit conflicts and possible compensation or relocation costs, as loss of standing crops and houses generally requires compensation, irrespective of the land's ownership status<sup>6</sup>. Despite the rhetoric of targeting marginal lands, acquirers in the recent times are most interested in lands that are fertile, wellwatered or with good rainfall, easily accessed by roads or rail, and with electricity transmission, market centres, habitation helpful for employing people and export servicing centres nearby. These are areas that are likely to be already used relatively intensively by local people, and not just for farming. This chapter analyses the actors involved in large scale acquisition in Cameroon and the mechanisms and processes of largescale land acquisition in Cameroon.

## **I. Investors**

Investors include multinational, foreign and national companies acquiring land for capital investments. The most visible large-scale land acquisitions involve foreign and multinational companies. However, these companies often act in partnership with domestic investors. Domestic investors in most cases may lead to the process of speculative accumulation. Speculative accumulation of land by elites, such speculation by elites may be in anticipation of possible partnerships with foreign investors or for direct investment by the elites themselves. Land acquisition by domestic investors appears to be a significant contributor to the alienation of land from local land users, while domestic partners are often integral to foreign investment<sup>7</sup>. In the past, foreign investors were mostly from Cameroon's former colonial powers, particularly Germany, France and Britain. Today, these investors

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<sup>6</sup>Aden, Cutla and Taylor, *Land Rights and the Rush...*, p.20.

<sup>7</sup> L. Fonjong et al, *Large scale land acquisition: Implications for Womens land rights in Cameroon*, Canada, International Research Center, 2016, p.84.

come from all parts of the world including the United States, Arab states, China and other European countries. The global facet of these investments represents the global scale of the demand for food, bio fuel and the liberalization of the economic space in Cameroon which was not the case before the Structural Adjustment Program (SAP) in the 1990s. Investors thus came along with global capital in search of safe heavens, markets and profitability. The fundamental objectives of investors were not to provide social amenities, create employment, fight poverty and improve the lives of the affected people but to make profits. In fact even the quantities of land acquired shows that land investments were mainly for profit maximization<sup>8</sup>.

#### **a. Investment Treaties**

International investment laws were body of international law concerning the treatment of foreign investment. There was no global treaty that sets standards of treatment for foreign investment, and there is no global institution comparable to the World Trade Organization. Rather, international investment law were centered on a network of over 3,000 bilateral or regional investment treaties<sup>9</sup>. These treaties concluded between two or more states and aimed at promote investment flows between the state parties by establishing obligations about how investments by nationals of one state could be admitted and protected in the territory of the other state. Investment treaties were distinguished from investment contracts. The latter were concluded between an investor and a state for a specific investment project. Examples include establishment conventions, host government agreements and land concessions or leases. Investment treaties, on the other hand, were concluded between states and apply to all covered investors and investments. Most such treaties were Bilateral Investment Treaties (BITs), but regional or bilateral trade agreements that contain an investment chapter are increasingly common, because international investment law is dominated by bilateral and regional treaties, the law applicable to different investments may vary depending on their respective host and home states.

Many treaties present broadly comparable terms and significant uniformity of underlying principles. Yet the detailed wording can vary considerably and so too can the specific standards of treatment to which investors are entitled. Commonly used standards of treatment which includes national treatment and most-favoured-nation clauses that typically

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<sup>8</sup>*Ibid*, p.85.

<sup>9</sup> L. Coutla, *Land Rights and Investment Treaties*, United Kingdom, International Institute for Environment and Development, 2015, p.10.



require states to treat foreign investors or investments no less favourably than investments in similar circumstances by their own nationals or by nationals of other states. Fair and equitable treatment clauses that require states to treat foreign investment according to a minimum standard of fairness, irrespective of the rules they apply to domestic investment under national law. Full protection and security clauses, which were usually interpreted as requiring states to take steps to protect the physical integrity of foreign investment but were in some cases interpreted more broadly to cover legal protection<sup>10</sup>.

Clauses that limits government's ability to expropriate foreign investments often state that any expropriation must be for a public purpose, be non-discriminatory and that governments must follow due process and pay compensation according to specified standards typically linked to market value. Provisions on currency convertibility and profit repatriation, which allow investors to repatriate returns from their activities. Most favoured nation clauses can allow investors to claim more favourable treatment provided by treaties between the host state and states other than the country where investors are based. In effect, most favoured nation clauses level the playing field upwards, because investors and investments operating in one state may be entitled to the most favourable treatment provided by any of the treaties ratified by that state as well as determining substantive standards of treatment, most investment treaties allow investors to choose to bring disputes against the host state to international investor state arbitration, rather than national courts.

One prominent institution is the World Bank hosted International Centre for the Settlement of Investment Disputes (ICSID)<sup>11</sup>. In investor state arbitration, the investor typically alleges that the state has violated the treaty and will usually seek monetary compensation. In deciding the case, the tribunal issues a binding award effectively a document similar to a judgment. If the tribunal finds treaty violations, it usually orders the state to compensate the investor. Widely ratified multilateral treaties facilitate the enforcement of these awards. If a host state fails to comply with an award covered by one of these multilateral treaties, the investor may seek enforcement in any signatory country where the host state holds interests, for instance by seizing goods or freezing bank accounts. In a globalised world virtually all states hold assets overseas, this type of legal action can be

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<sup>10</sup> L. Cotula, *Legal Empowerment for Local Resource Control: Securing Local Resource Rights within Foreign Investment Projects in Africa*, International Institute for Environment and Development, 2007 at [www/http://pubs.iied.org/12542IIED.html](http://pubs.iied.org/12542IIED.html). Accessed on 11 June 2020 at 1:30 PM.

<sup>11</sup> M. Velásquez-Ruiz, "Land Tenure Security in Colombia: for Whom? What for? The Relativity of the Property Rights Regime in the Context of Transitional Justice and Economic Globalization", Paper Presented at the World Bank Conference on Land and Poverty, Washington DC, 23-27 March, 2015, p. 3.

effective. In addition, governments are often under pressure to honour arbitral awards in order to keep attracting investment, although in recent years some states have refused to pay awards.

Traditionally, there has been little transparency in investor state arbitration. Several recent investment treaties also contain provisions promoting transparency in arbitration<sup>12</sup>. However, transparency remains limited or non-existent in other areas under some arbitration rules, it is still possible for the public not to be aware that a dispute exists and access to arbitration documents remains constrained. This ability of private actors directly to access international redress is unusual in international law. It constitutes an important difference compared to international trade law for example, where only states can bring disputes about alleged treaty violations. International human rights law allows individuals to access international remedies, but unlike most investment treaties usually only after individuals have unsuccessfully pursued remedies available under national law. Unlike investor state arbitration based on contracts between investors and states, investment treaties effectively contain unilateral advance offers of consent to arbitration on the part of the states. As such, they expose governments to claims from an unknown and potentially large number of investors. Many other international instruments, investment treaties and arbitration are assisted by relatively effective enforcement mechanisms and as such they can have real bite and far reaching financial implications for states. There has been much controversy about the extent to which the risk of incurring liabilities based on investment treaties can restrict the ability of states to act in the public interest.

Investment treaties typically define the types of investments and investors they cover. The treaty clauses that define investment and investor determine the scope of application of the treaty. Most treaties include landholdings in the definition of investment. Indeed, investment treaties commonly adopt a very broad definition of investment, often centred on a general clause and an illustrative list of assets, typically including immovable property and natural resource concessions. Immovable property would cover proprietary interests in land and natural resource concessions would cover land concessions or leases. Some treaties make this more explicit by referring to concessions to search for cultivate, extract or exploit natural resources. Some treaties restrict the application of some of their provisions to land rights. For example, some investment treaties exclude land from the application of aspects of the

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<sup>12</sup> L. Cotula, "Over the Heads of Local People: Consultation, Consent and Recompense in Large-Scale Land Deals for Biofuels Projects in Africa", *Journal of Peasant Studies*, 2012, p. 910.

investment treaty protection against expropriation. Investment treaties typically consider company shares to constitute a covered investment, so the corporate structures through which foreign investors hold land would also be protected. Based on these provisions, foreign investors holding land rights would be entitled to the treatment provided by an applicable treaty and also by other relevant treaties, by virtue of any applicable most favoured-nation clause<sup>13</sup>. Over 3,000 investment treaties concluded worldwide and over 600 publicly known investor-state arbitrations, the expanding reach of international investment law has redefined the boundaries for lawful public action<sup>14</sup>.

The range of land governance measures that could come under challenge through investor-state arbitration is very broad from land expropriation for redistribution or restitution, to failure to protect landholdings from occupations or incursions and efforts to renegotiate land concessions, through to land zoning regulations and more generally shortcomings in land governance systems. State conduct may include action or inaction by local or central government agencies, but also legislation adopted by parliament.

#### **b. Recent Economic Policies Encouraging Investors in Cameroon**

Like other African countries, Cameroon has adopted an economic policy that aimed to attract direct foreign investments in order to drive the nation's growth. In the land sector, this objective was reflected in a Presidential Instruction intended to encourage large-scale agricultural investments (second-generation agriculture), which would in turn require reforms facilitating investors access to land. At the agro-pastoral show in Ebolowa in January 2011, the head of state asked for a land reform to be put in place as a matter of urgency, along with an agricultural bank to provide financial support for new investors in the agricultural sector. The urgency and orientation of the Cameroonian reform can be explained by the strong demand for arable land, which had risen suddenly at the time of the Ebolowa agro-pastoral show in 2011.

The first contracts in the new wave of large-scale agricultural investments date back to 2008-09, although some of these transactions were not made public until later. In addition to the transactions that have already been concluded, there are a large number of ongoing negotiations over areas ranging from 1.5 million to 2 million hectares<sup>15</sup>. Anticipating the demand for land and the wishing to remove any obstacles that might hamper its rapid

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<sup>13</sup> *Ibid*, p.914.

<sup>14</sup>*Ibid*, P.915.

<sup>15</sup>S. Nguiffo and Michel Watio, *Agro Industrial Investments in Cameroon : Large Scale Land Acquisition Since 2005*, London, International Institute of Environment and Development, 2015, p. 13.

allocation, the president of the Republic decided that a land reform was the best course of action. Since then, Cameroonian employers have followed in the head of state's footsteps and sought to support government policy by encouraging business leaders to invest in the agricultural sector. In 2013, the Cameroonian Employers Association (GICAM) started using the "One boss, one plantation" initiative to encourage its members to invest hugely in the agricultural sector and to help make the transition from subsistence farming to modernized agriculture<sup>16</sup>.

Large-scale land acquisitions in Cameroon are very diverse. The players involved on the investment side include large numbers of foreign multinationals and Cameroon's elites. Political decision makers failed to understand the characteristics of this phenomenon and the major challenges for the legislator, investors and local communities.

The global food crisis caused by the sharp rise in the cost of major food items, increasing production of biofuels and the uncertainties arising from the financial crisis led investors from northern countries and newly industrialised countries in Asia to rush to Africa in search of land to help them safeguard their food, energy and financial security<sup>17</sup>. This crisis also revealed serious shortcomings in the structure of food production and distribution processes at both the national and global levels. While there is no doubt that investors demand for large-scale landholdings in Cameroon's agro-industrial sector is growing, there is very little accurate information about the companies that have set up in the country (for instance, on the amount of land leased, the area planted, the area under production, the number and type of jobs created, land revenues or the redistribution of ground rents).

Cameroon does not have a national land-zoning plan that divides the available arable land into spaces for agro-industrial activities and for small-scale farmers. Furthermore, the long-term leases negotiated by these agro-industrial enterprises give them more stable and better protected rights than small farmers and indigenous populations, who do not usually hold rights to the land that they occupy. The land that is demanded for large projects, especially agro-industrial initiatives, is mainly located in rural areas. Over 70 per cent of this land is not recorded on the land register, and a large proportion of it is used by rural people who only have use rights. Investors have shown a growing interest in agricultural land in Cameroon because of the economic policy that encourages investment in Cameroon. As food prices rose sharply, certain countries decided that the best way of ensuring their long-term

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<sup>16</sup>The initiative was presented at GICAM's 114th general assembly on 12 December 2012 in Douala. See <http://www.journalducameroun.com/article.php?aid=12954.p.6> accessed on 14 April 2020 at 4:30pm.

<sup>17</sup> Goerge Schoneveld, "Host Country Governance and the African Land Rush", *Geo forum Journal*, 2017. pp.119-132.

food security was to take control of arable lands in other countries, prompting an upsurge in investments in the agricultural sector that shows little sign of slowing down.

### **A. Multinational Companies**

Multinational companies or corporations are companies that have their home based in one country but operate under the laws and customs of other countries. They can also be viewed as cooperation of diverse nationality joined together by ties of common ownership and responsive to a common management strategy<sup>18</sup>. Moreover, MNCS can also be seen as firms that owned or control income generating assets in more than one country<sup>19</sup>. They are also known as multinational enterprises or transnational corporation established in the international scenes that are engage in foreign direct investments in several countries. From the above definitions, we can say that multinational companies are companies that have their main base in one country and operates in many other countries with the aim of maximising profits and in the other hand improve the wellbeing of the people in the area of operation. This becomes problematic as whether MNCS involve in large scale acquisition of land improve the wellbeing of the local population where they operates in Cameroon. MNCS were said to be the main vehicles for foreign direct investments<sup>20</sup>. Most foreign investments are undertaken by MNCS that is why they are important in the economic development of nations.

The location specific factors motivating firms with the necessary ownership and internalization advantages to engage in direct investment in Cameroon, was the openness to foreign direct investments to enhance economic growth and development. The attractiveness of the potential of Cameroon sought by firms as well as the marketing efforts opens the country for MNCs to invest<sup>21</sup>. A number of studies have examine the determinants of foreign direct investments in Cameroon. The liberal policies of the state attract multinational companies to invest in Cameroon. The policies create a good climate for multinational companies to invest in Cameroon. The market size also attracts foreign direct investments especially to commercial investors. This market is determined by the population which will serve as a market to purchase these products. Also, the openness of the economy and the

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<sup>18</sup>D.Field House « A New Imperial System » The Role of Multinational Cooperations Reconsidered: Perspective on Global Power and Wealth, London, Routledge, 2000, pp.25-30.

<sup>19</sup> P.Streeten "Theory of Development Policy" in J.H. Dunning .J.H. (ed) Economic Analysis and the MNC Enterprise, London, Allen and Unwin, 1974, pp.252-255.

<sup>20</sup>*Ibid*,p.254.

<sup>21</sup> J. Dunning and. R. Narula, "Multinational Enterprises, Development and Globalization: Some Clarifications and a Research Agenda", *Oxford Development Studies*, vol. 38, No. 3 (September 2010), pp. 263-287.

labour cost is also an important consideration to foreign direct investments. This determinant turns to attract multinational companies from different sectors to invest in Cameroon.

Since the mid 1980s, a constant stream of literature on all aspects of globalization emerged with more emphasis based on the role played by multinational companies in development. Multinational companies were seen as primary actors and key agents of transformation both national and the international political and economic landscape. As a result, countries of all levels of development opened their economy for foreign direct investment. The United Nations Conference on Trade and Development (UNCTAD) claims that FDI is the largest source of external finances to countries and has the potential to generate employment, raise revenue, transfer skills and technology, enhance exports and contributes to the long term economic development of the world's economy<sup>22</sup>. In the year 2000 many developing countries encouraged multinational companies to invest as a spring board to development.

As a result, Cameroon encourages FDI in a bid to accelerate development. This led to the influx of multinational companies in Cameroon especially those involved in large scale land acquisition for agricultural investments. MNCs invest overseas because they possess some special advantage that they want to exploit fully and to maximize profits. These benefits may result from avoiding barriers to imports and by employing cheaper foreign labour. A firm may choose foreign rather than domestic production when three conditions are met: first, it must have some distinctive advantages that makes it worthwhile to compete in a distant and unknown environment with foreign firms familiar with their own markets.<sup>23</sup>

### **1. Classification of Multinational Companies in Cameroon**

Multinational companies that operate in Cameroon can be classified into different sectors. These companies operate in different sectors like the industrial, agriculture transport and communication, food processing, oil, mineral and exploitation etc. The concept is that multinational companies will enhance economic growth and development, bring employments, develop human capital and open up the economy, transfer technology and contributes to high productivity<sup>24</sup>. This rather becomes paradoxical as the relationship between foreign direct investments and economic growth became debatable as to whether

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<sup>22</sup> UNCTAD, "Transnational Corporation as Engines of Growth," Executive Summary, World Investment Report available at [www.unctad.org/en/docs/wir920ve.en.pdf](http://www.unctad.org/en/docs/wir920ve.en.pdf).

<sup>23</sup> J. Adams, *The Contemporary International Economy*, New York: St Martins Press, 1985, p.398.

<sup>24</sup> Ngameni, Kamajou, Njong, "The Determinants of the Localization of Multinational Companies in Cameroon", *Applied Science Report* 6(3), 2014, pp. 128-138.

multinational companies enhance economic growth and development in Cameroon. To better understand the classification of multinational companies involved in foreign direct investments in Cameroon, we shall select some of the prominent sectors and classify the different companies.

Firstly, we shall look at the different multinational companies in the industrial sector, their home economy that is the country of origin, the type of industry or the area of specialization, the sales and the number of people employed. We shall also look at the major companies involved in the petroleum sector and some key companies in the commercial sector. These sectors mentioned above are the major sectors that influence greatly the economic growth and development of a country. AS a result, we decided to lay more emphasis on these major sectors. However, other sectors are also instrumental in economic growth and development. Above all, we did not undermine foreign companies and national companies involved in large scale acquisition of land in Cameroon. That is the company, the country of origin and the amount of land acquired for investments.

**Table 3: Major Companies in Cameroon**

<b>A. Industrial</b>	<b>Home economy</b>	<b>Industry</b>	<b>Sales</b>	<b>Emplo yees</b>
Mobil Oil Cameroon	United States	Petroleum	195.5	294
Societe Camerounaise Equatoriale	France	Petroleum	160.7	854
Colgate Palmolive Cameroun	United States	Chemicals	29.0	154
Societe Nationale	United States	Electrical and electronic equipment	24.4	825
Milchem Cameroun	United States	Diversified	22.2	233
Guinness Cameroun	Netherlands	Beverages	20.9	124
Plantation Pamela	United Kingdom	Food	18.0	200
Compangie Equatoriale de Peintures	France	Food	11.0	2,500
Plantes Du Cameroun-Medicam	France	Food	6.8	232
Societe Froeshere Industrille	France	Tobacco	6.8	53
Socopao Cameroun	France	Tobacco	4.4	81
Sibal	France	Chemicals	2.4	109
SDV Cameroun	France	Chemicals	2.2	37
Sael Cameroun	France	Chemicals	2.1	43
Sodexho Cameroun	France	Chemicals	1.4	23
<b>B. Tertiary</b>				
Pioneer Genelique Cameroun	United States	Electricity, gas and water	11.7	331
Eludes Et De TranauX	France	Electricity, gas and water	9.0	120
Hoechst Cameroun	Germany	Trade	6.9	30
Rhone Poulenc Afrique Centrale	France	Trade	6.8	38
Societe Camerounaise de Manutention et D'acconage	France	Trade	6.8	39
Geosiap	France	Trade	3.9	62
Salom Cameroun	France	Trade	3.8	5
Laborex	France	Trade	3.8	34
Societe industrielle des crayons et fournitures	France	Trade	0.5	250
Societe Camerounaise D'Oxygene El Acetylene	France	Trade		233
Messagerie De Presse	France	Trade		88
Societe Du Haut Ogooue Cameroun	France	Trade		100
Pierre Loti	France	Trade		
Societe D'Achons pour le Developpment Economique	France	Trade		
Bernabe Cameroun	France	Construction		

**Source:** The Bankers almanac 2003(London, dun and bradstreet, 2003).



**Table 4: major Companies in Cameroon Petroleum Sector**

Activity	Company	Share %
Exploration/Production	Total E & P	20.00
	Pecten Cameroon	20.00
	Pecten Cameroon	20.00
	Mobil Producing Cameroon Inc.	20.00
Quality control	HYDRAC	97.00
Trading	TRADEX	44.00
Refining	SONARA	20.00
Storage	SCDP	15.00
Naval repairs and dockyard	CNIC	41.50
Insurance	Chanas Assurances S.A.	20.00
Hotel	Cameroon Hotels Corporation	6.21

**SOURCE:**Collected by the author during field work at Cameroon Hydrocarbon Corporation (SNH), 15 March 2019.

**TABLE 5: List of Commercial Banks in Cameroon and Their Foreign Shareholdings.**

	BANK	FOREIGN SHAREHOLDERS	PERCENTAGE OF SHARES
1	BICEC	Group Banque Populaire (France)	5.25
2	Afriland First Bank	SBF and COJFBO Netherlands	56.42
3	Citibank Cameroon	Citibank New York	100
4	Commercial Bank of Cameroon (CBC)	DEG Germany	15
5	Credit Lyonnais Cameroon	Credit Lyonnais Credit Banking (France)	65
6	Ecobank Cameroon	Holding Ecobank Transnational Inc.	80
7	SGBC	Societe General, France	43.42
8	Standared Chartered Bank Cameroon	Standared Chartered (Int.)	100
9	Amity Bank Cameroon	CDC Bangkok	3.72
10	Union Bank of Cameroon	/	/

**Source:**Collected by the author during data collection, 13 April 2019, available at website [www.wizf.net](http://www.wizf.net).

**TABLE 6: Companies Involved in Large Scale Land Acquisition in Cameroon.**

CAMPANY	COUNTRY OF ORIGIN	AMOUNT OF LAND IN HECTARES
Hydrogine	Brazil	500,000
Justin sugar mill	India	155,000
CDC	Cameroon	102,000
Moscow coffe house	Russia	100,000
Green Field(Azur)	Cameroon	60,000
HAVECAM-GMG	China	59,974
Sud Hevea	China	45,200
PAMOL	Cameroon	41,000
Sime Darby Plantation	Malaysia	40,000
Cargill	USA	38,000
SNI pilot farm	Cameroon	26,700
SOCAPALM	France	21,700
West End Farm	Cameroon	More than 20,000
Herakles Farm	USA	20,000
Guta	Russia	20,000
SOSUCAM	France	More than 20,000
Sino Cameroon Iko Agriculture	China	6000
PHP	France	6,000
MAISCAM	Cameroon	5,500
Chinese group	China	4,000
Biopalm	Singapore	3,348
Sagex	Not known	3,000
KawtalDemri	Not known	3,000
Ndawara Tea Estate	Cameroon	2,000
Agro-EST	N.C	1,000
Societe des Bananeraies de la Mbome	France	1000
Tchassem Holdings	Cameroon	1,000
Palmist Oil Company	Not known	1,000
Societe des Plantations de Mbanga	France	800
Goodhope Asia Holding	Singapore	Not known

**Source:** Collected by the author during data collection 13 April 2019 publications at [www.iied.org/pubs](http://www.iied.org/pubs).

## 2. The political Economy of MNCs Direct Investment in Cameroon.

The dynamics of underdevelopment reflects a great deal on the nature of investment carried by multinational companies in Cameroon. The MNCs have amended the structure of Cameroon's integration into the larger economic system. This has shaped the character of MNCs' amendments to the Cameroonian political economy. Thus, the impacts of MNCs reflect a colonial past where consumption operated powerfully through the medium of large international trading firms, working in close cooperation with the colonial regimes. The taste transfer effects of these MNCs through advertisement reflect a cultural dependence based on history, which underlies certain product and brand preferences.

It should be recognized that the MNCs do not simply respond to the environment but place a critical role in shaping the political economy for its own interests. Subsidiary distribution effects reinforce a class structure which both establishes demand for MNC type products and leaves the much political powers in the hands of an African managerial class and a labour aristocracy which are associated with MNCs' expansion in Cameroon. The MNCs' institutional structure gives subsidiaries special advantages in influencing particular lines of Government policies. This advantage is enforced by the power implicit in the MNCs' enormous financial resources and by the relatively great importance of its local operations<sup>25</sup>. It is no doubt that Cameroon depends on multinational companies due to its instrumental role in the political economy.

## 3. Size of Land Sought by MNC

Multinational companies that are involved in large scale land acquisition signed land concessions with the state to acquire vast portions of land for agricultural investment. The recent requests for arable land in Cameroon by multinational companies have been far in excess of previous concessions. For example, The Herakles company occupies 73,000 hectares of land, which is more than the total area currently used for agro-industrial oil palm production in the whole country. Over the last three years, individual applications have risen to a total of 800,000 hectares, and the total recorded demand since 2009 was between 2 and 3 million hectares<sup>26</sup>. While the largest applications and allocations have attracted most media attention, they mask smaller acquisitions by the elite, which are an important aspect of this phenomenon as national elites and their companies are taking control of more and more

<sup>25</sup>K. Awang, "Multinational Companies in Cameroon 1960-200: An Historical Appraisal of their Role in the Development of the State", Ph.D Thesis in History, University of Yaounde I, 2011, p.150.

<sup>26</sup>S. Nguiffo and M. watio, *Agro Industrial Investments in Cameroon : Large Scale Land Acquisition Since 2005*, London, International Institute of Environment and Development, 2015, p.20.

landholdings. These acquisitions are closer to villages. They restrict local people's access to resources and certain parts of their territory are usually located in the common areas of the acquirer's original community. In order to satisfy their personal interests, acquirers use two contradictory logics: that of the community, which allows them to access communal areas of village territory and that of the state, which gives them the right to appropriate the land privately.

Large-scale land transactions in Cameroon were not only driven by demand from investors. An important factor on the supply side is the government's desire to make Cameroon an emerging economy by 2035, hence, the quest for investors and the efforts to make the country attractive to foreign direct investments. Indeed, the head of state justified the reform of the land law by the need to facilitate access to land for investors in the agricultural sector<sup>27</sup>. During his visit to Turkey in March 2013, he reminded his hosts that Cameroon would welcome investments in the agricultural sector, declaring in his final speech on Turkish soil:

We offer huge and diverse potential for agro-pastoral activities and fisheries due to the variety of climates and soils in Cameroon. About 85 per cent of our land is cultivable, and only about 20 per cent is currently under cultivation. Our diverse agricultural output includes food and cash crops such as bananas, cotton, coffee, tea, sugar cane, natural rubber, cereals, fruit and vegetables, root crops and many other products. There are certainly growth niches to be developed, not to mention the comparative advantages that the north and north eastern part of the country offers for rearing livestock, especially cattle. Our pivotal position between the huge markets in Nigeria and the Central African Economic and Monetary Community (CEMAC) give us a potential market of 300 million consumers, if one includes the Democratic Republic of Congo and Sudan. Turkish investors would be welcome to bring their expertise to our 360 km of coastline and the 17 million hectares of usable forest that make Cameroon the second largest forested area in Africa. This supports nearly 300 usable species of which only about 60 are used.<sup>28</sup>

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<sup>27</sup>In his opening speech at the Ebolowa agro-pastoral fair in January 2011, the president of the Republic listed various challenges that Cameroon urgently needs to address, including "preparing a land reform that will enable us to respond to the demands of second-generation agriculture". See <http://www.camerooninfo.net/stories/0,27933,@,ouverture-du-comice-agro-pastoral-d-ebolowa-le-discours-du-chef-de-l-etat.html>.

<sup>28</sup>. Closing speech given by Head of State Paul Biya on his official visit to Turkey, 27 March 2013. Since then, it has been noted that Turkish investors have started the process of large-scale land acquisitions in northern Cameroon [http://www.assobacam.com/index.php?option=com\\_content&view=article&id=81%3Agroupepspm&catid=11%3Astructure&lang=fr](http://www.assobacam.com/index.php?option=com_content&view=article&id=81%3Agroupepspm&catid=11%3Astructure&lang=fr)

#### 4. Dynamics of Land Deals to MNCs

The recent wave of large scale land acquisition in the 21<sup>st</sup> century is preceded with companies searching and acquiring pieces of national land in Cameroon. The scale of the concessions are enormous given the fact that such deals are contracted by the government in complicity with elites that ignore communal rights to the lands they consider to be idle. Unfortunately, the rural population depends on this land for farming, hunting, gathering and pastoral activities. The scale of the land as well as the illegitimate arrangements that proceeds have been a call for concern. Between 1.6 and 2 million hectares of land are requested for sugar cane, banana, palm oil, rubber, rice and for mineral exploitation<sup>29</sup>. Large territories that belong to the rural communities are either earmarked or have been lease to multinational companies. This deprived the rural population from their livelihood sources which have been their common property for several generations. For example in the upper Sanaga division, the population of Nkoteng was reduced 40 hectares of arable land as a result of the expansion SOSUCAM plantation in 2010<sup>30</sup>. Most of the companies that acquire large tracts of land failed to respect the prime ministerial decree of 2005 where these companies are to carry out environmental impact assessment.

##### B. The Government

The government is also one of the actors of large scale land acquisition in Cameroon. The government acquire vast tracts of land for public interest. Section 1 of ordinance No. 74-1 of 6 July 1974 states that “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 defense or the economic policies of the nation”. This ordinance therefore place the state at the center of land management. Foreign entities and individuals can only be given access to own land by the state. Land deals were considered legitimate by government if they were in line with its development strategies or political goals. When the government categories of the national land as vacant and idle, it gave the state opportunity to acquire land through executive powers and lease to whosoever it pleases without being held accountable. As a central player, the activities of the central government were executed by local government officials that ensure

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<sup>29</sup>L. Forgong et al, Large Scale Land Acquisition : Implications for Womens Land Rights in Cameroon, International Development Research Center, Canada, 2016, pp.64-65.

<sup>30</sup>Interview , Napoleon Bamenjo, coordinator RELUFA, Yaounde, 10 May 2020, 1:30pm.

that the directives were strictly implemented at the local levels<sup>31</sup>. Decree No. 76-166 of 27 April 1976, establish the terms and conditions of management of national lands. It states that

National lands which are unoccupied or unexploited shall be allocated by a temporary grant of rights. Depending on the circumstances, This grant may become a lease or an absolute grant, subject to the terms of the present decree. Temporal rights shall be granted for development projects in line the economic, social or cultural policies of the nation. The duration of the temporary grant may not exceed five years. In exceptional cases it may be extended on reasoned application by the grantee.<sup>32</sup> Section III of decree no. 76-66 of 27 April 1976 stipulate the absolute grant and long lease it states that on expiry of the period of the temporal grant, the consultative board shall assess the development of the land and draw up a report specifying the amount of investment made. If the development project is completed before expiry of the temporary grant, the grantee may request the board to proceed with the assessment. The report shall be transmitted to the SDO who accordingly to the circumstances may propose, extension of the period of the temporary grant to absolute or long lease as provided for in article 10(3) which states that for foreigners who have developed national lands, he may propose only a long lease.

### **1. Why the Government Promotes Large Scale Land Acquisition**

When president Ahmadou Ahidjo came power, his economic objectives were based on the self reliance and planned liberalism where he instituted the five year development program. Through this plan, money was allocated for the improvements of Agriculture, transport, health, education and the housing sectors. Ahidjo laid more emphasis on Agriculture especially on large scale agro- industrial investments. The twin goal on the expansion of agriculture was to provide food needed to feed the expanding population and supply the major export crops of Cameroon that attracted foreign earnings. In 1973, Ahidjo launch the Operation Green Revolution in Buea where his main goal was to make Cameroonians self sufficient by increasing agricultural productivity. In 1973, the system of agro- pastoral shows was also launched in Buea. After 1973, the government sponsored Agro- pastoral shows that were regularly organized in provincial headquarters. The shows were intended to boast agricultural and pastoral activities in the Country by instilling a spirit of competition amongst farmers and breeders.

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<sup>31</sup>L.Forong et al, Large scale land acquisition: Implications for Womens Land Rights in Cameroon, International Development Research Center, Canada, 2016, pp.85-86.

<sup>32</sup>Decree No. 76-166 of 27 April 1976 establish the terms and conditions of management of national lands.

The government agricultural activities were complemented by the efforts of the Cameroon Development Corporation that expanded its activities in the other parts of the country. The CDC, established tea estates at Djutisha in the western province and Kompina in the littoral region where the rubber factories were established<sup>33</sup>. Large Agro industrial investments like PAMOL, CAMSUCO, SODECOTTON, SEMRY and many others were also set up in Cameroon. All these agro industries acquire vast tract of land for agro-investment. Thus, the government of Cameroon set the pace and encourage large scale land acquisition in order to attain the government objectives before the trend and dynamics change in the current wave of large scale land transactions in Cameroon. The government acquire vast tract of land to promote largescale agriculture, promote industrialization and as reserves for future government projects in Cameroon. That is why in the upper sanaga division, was describe by Ahidjo in his five year development program as an Agro-industrial zone where most of the agricultural projects were to be situated in this vicinity.

## **2. Promotes Agriculture and Rural Development**

Agriculture in Cameroon is predominantly rudimentary, less productive and on small tracts of arable land. The government sees large scale plantations as a form of agricultural modernisation. This is mainly because land is important for development but the local communities keep it idle which is waste of resources. It is in this regard that the government is allocating large portions of land to big investors within its new policy of second generation agriculture aim at promoting the mechanization of agriculture in Cameroon. The second generation agriculture involves large expanses of land and mechanization in the tenets with its vision 2035 of Cameroon becoming an emerging nation. All this is aim at attracting investors to invest in Cameroon other for the government to achieve its desired objectives. The government sees investors as pro development agents as advocated in the National Growth and Employment Strategy Paper.

## **3. Large Scale Land Acquisition as a Source of Government Revenue**

Large scale land acquisition has been seen by public officials as opportunities for the government to have revenue. Most companies that acquire vast tract of land in Cameroon pay taxes to the states which greatly contributed to the gross national income of the state. Thus, land deals generate much revenue to the state. In addition to the land itself, timber exploited in the course of preparing the land for agriculture brings income to the state.

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<sup>33</sup>V. J. Ngoh, *History of Cameroon since 1800*, Limbe, press book , 1999,pp.240-243.

#### **4. Large Scale Land Expropriation for Security Reason**

The government encourage large scale land expropriation for security reasons. This was the case with most early plantations that were created in the Sanaga maritime<sup>34</sup>. These large scale plantations were created to respond to the security threats against the government of president Ahidjo after independence and reunification. The arm guerrilla activities of the UPC created insecurity in Cameroon. The Cameroon government wanted to develop vast land in the saanga maritime that serve as hideouts for the UPC fighters in other to destabilize the uprisings.

#### **5. Ensure Food Security**

The increased international interest in acquisition of vast tracts land is driven by the needs to ensure food security. Demographic, climatic, economic and policy changes have all had some bearing on the dwindling food stocks in the global food market. On the other hand, governments, encourage foreign investment as well as national private sector investors to participate in agriculture development with the strategic expectation to enhance agricultural production, earn higher income, create more local jobs and improve their export base. Land for Food Security Population growth and urbanization, combined with the depletion of natural resources in certain countries, has led these countries to view large-scale land acquisitions outside of their national territories as a means to achieve long-term food security<sup>35</sup>.

The 2007-2008 global food price crisis showed that markets for agricultural commodities are increasingly unstable and volatile and therefore less reliable for net food-importing countries, particularly following the decision by a number of major food exporting countries to ban exports or to raise export levies. As a result, the Cameroon government have turned to encourage large-scale land acquisitions in order to achieve food security. This has greatly encourage Foreign and private investors, to acquire land for speculative motives, based on the belief that arable land prices will continue to rise in the future.

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<sup>34</sup>L.Forgong et al, Large scale land acquisition : Implications for Womens land rights in Cameroon,Canada, international Development research center, 2016,p.87.

<sup>35</sup>J. C. Ashukem,“Included or Excluded?: An Analysis of the Application of Free, Prior and Informed Consent Principle in Land Grabbing Cases in Cameroon and Uganda.” LANDCAM Conferenc 8 July 2015, University of Utrecht, Netherlandsavailable at <http://landportal.info>.



## 6. Land as an Attractive Investment

Food and energy security are the key drivers of government backed agricultural investments. The private sector's interest is based on expectations of high returns on investments. The international financial crisis and the collapse in housing and stock markets worldwide in 2008 created a vacuum for investors. This has led to increased interests in new investment opportunities for Foreign Direct Investment (FDI) from large international investors and banks. As a result, the interest in agricultural land as an investment target has risen, increasing the competition for land. This trend is further encouraged by the expectation that future value and power lies in the rights to land and freshwater<sup>36</sup>. The Cameroon government have adopted a strategy of agriculture-led by industrialization that requires increasing agricultural productivity and production. Foreign investment is therefore considered to have a major role to play. In order to encourage FDI, reforms in investment codes, fiscal, land tenure and banking have been carried out in many countries to facilitate foreign investments. sectors<sup>37</sup>. Land policies therefore facilitates large-scale land acquisition as investors (foreign, domestic and nationals living abroad) cash in on the very attractive investment climate

## 7. Land for the Security of Raw Materials

The Cameroon government encourage large scale land acquisition in other to ensure the steady supply of raw materials in to the international market. The main export products of Cameroon are mainly raw materials likerubber, timber, cotton, sugar, coffee, cocoa, tea. These crops demand vast tracts of agricultural land in other to improve on the cultivation and the output. The government therefore promote largescale land acquisition in other to improve the output of cash crops that are highly demanded by other countries for transformation in to finish and semi-finished products. Some countries depend on importing agricultural commodities as raw materials to sustain their industrialisation. Continued economic growth requires secure access to these commodities where they cannot be replaced by alternatives raw materials. Some commodities that are subject to this kind of pressure include rubber, timber, cotton, sugar, coffee, cocoa, tea. To secure these commodities, land has been acquired

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<sup>36</sup>Oakland Institute Understanding Land Investment Deals in Africa: FAQs on Food Security and Western Investors. 2011, Available at [http://media.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI\\_FAQsjune5.pdf](http://media.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI_FAQsjune5.pdf) Consulted on 30 december 2019 at 12:00noon.

<sup>37</sup> E. Molua, Guidelines for Sustainable Large Scale Land Deals in Africa, Food and Agriculture Organisation. 2017, PP. 30-32.

in other countries to produce and then export them to the investor's home country, especially in cases where other arrangements to secure these commodities are uncertain.

### C. Elites

Large scale land acquisition by elites in Cameroon has greatly increased in recent years. Most influential elites have acquired vast tract of land in the rural areas especially in the area of their origin for investment. They are also pushed by speculative reasons to acquire vast tracts of land because of the increase land value in Cameroon. As a result rich and influential personalities have engaged in large scale land acquisition with the hope of increase in the price of land in future. Land in Cameroon has become a store of value and a measure of wealth. These influence individual mostly administrative and political elites to use their position and political power to acquire vast tract of land in the rural communities depriving the rural communities from access to arable land which is a source of their livelihood. In the past land in the rural areas was controlled by the traditional rulers and the family heads. With the putting in place of the land regimes in Cameroon, individual access to land became primordial as the only official document to show proof of land ownership was the land certificate.

Elites therefore engaged in the acquisition of vast tract of land for investments. The 1974 land ordinance encourage land acquisition by elites in Cameroon. In this ordinance the powers of the traditional ruler were limited as all land belongs to the state and individuals can be given access to land by the states custodian. This encourage land grab by elites in Cameroon. The elites in order to legalize their illegitimate actions, they forged through poorly-framed MoU signed by chiefs who were coerced, cajoled or outright bribed. This explains why activities of these self-serving elites are resisted by the population as recorded in the upper sanaga division<sup>38</sup>. Ordinance NO 74-1 of 6 July 1974 provides in its section (1) that "The state shall guarantee to all natural persons and corporate bodies having landed property the right to freely enjoy the dispose of such land". Based on the above, the elites find enough security to acquire and control land. Although it encourages individual ownership against customary form of ownership through registration in Decree NO. 76-165 of April 1976 conditions for obtaining land certificates, it empowers the elites to acquire land as possible without taking in to consideration the effects to the rural communities. Also, the categories of all land except private land and state land even those effectively occupied by

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<sup>38</sup>L. Forjong et al, Large Scale Land Acquisition: Implications for Womens Land Rights in Cameroon, Canada, International Development Research Center, 2016.p.90.

customary communities as national lands, the state dismisses the place of customary land tenure, which sees community members as equals in accessing land. There is no doubt that statutory law has elevated the state to the status of the paramount land lords, claiming expropriation and selling land as it deems appropriate. Wealthy and politically powerful individuals took advantage of this situation and moved into rural areas to buy and owned large tracts of land. Before the colonial era, it was uncommon to find individuals that amassed wealth from urban areas migrate to rural areas to buy and own large tracks of land for agricultural production for the global market<sup>39</sup>.

The colonial and the post-colonial era, the acquisition of land by rich individuals became the order of the day. The management of these huge chunks of land by these individuals often results in land related conflicts accompanied by the socio-economic and political consequences to the livelihood of the rural communities. Several factors account for land acquisitions discussed in the previous section. Agricultural investment has also been associated with rising land values and increasing prices for agricultural commodities in this encourage many elites to embark on large scale land acquisition. The political leaders in Cameroon that formulated the land ordinance opted for a secular approach, did not take in to cognizance the rural communities. The 1974 ordinance encouraged large scale land acquisition by elites for investments. The involvement of chiefs in active party politics with the reintroduction of multi-party politics in the 1990s cations in Cameroon has significantly destroyed their hitherto sacred role as guarantors of community interest. They function as part of the administration, forfeiting community interests for political appointments, power and financial favors in exchange for partisan support.

This system of political support and clientelism has fuelled LSLAs as states and investors use elites to bring pressure to bear on chiefs to cooperate in the sale of national land. The interchange of favours and support between the government and chiefs has created a new type of chief whose pursuit of wealth and political power has relegated the respect of customs and community interest to third place. The chiefs thus condone the dispossession of villagers of their ancestral land without due process of consultation and accountability. Key actors involved in LSLAs have different interests that supersede those of affected communities. The inability to mainstream the interests of the vulnerable community members

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<sup>39</sup>E. Sobseh, "Land Tenure and Land Conflict in the North West Region, A Historical Perspective 1974 to 2008", Ph.D thesis in History, University of Yaounde I, 2011, p. 180.

provides some glimpse as to why the rural communities have been more disproportionately affected by the phenomenon<sup>40</sup>.

A critical analysis of patterns of large scale land acquisition and commoditisation by big capitals or state funded agrobusinesses and elites in Cameroon reveals that the social phenomenon is a major obstacle to local livelihood concerns and sustainable development. The evidence suggests that the government and local administrations have played a seminal role to assist land acquisitions and in turn the processes have resulted in the neglect of traditional land and resource rights. Parastatal agro-industrial complexes have taken advantage of the opportunities provided in the modern land law for private property rights and the weak defence offered by customary land tenure systems to engage in the accumulation of huge arable and accessible agricultural lands in the hinterlands. On the other hand, elites as important stakeholders and power brokers have facilitated land acquisitions increasing outright sales through the expropriation and appropriation of community lands. The concept of large scale land acquisition implies sorts of structural strains which allow elites to adopt strategies related to traditional and modern land laws to gain material wealth<sup>41</sup>. Such behaviours instill disorder and indiscipline into the land market, as well as facilitating and maximising the sources of protracted land boundary disputes between chiefdoms, bloody conflicts, and litigations.

Moreover, from a governance stand point, the actors constitute part of the political, social, economic and administrative structure of the wider society. The mechanisms, processes, and institutions through which they organise their activities do not permit ordinary citizens and groups to articulate their interests, exercise their rights, meet their obligations, let alone to mediate their differences. The different types of landdeals that a keen observer can identify across the country include: the activities of private and public administrations, national and international agribusinesses and elites.

### **1. Reasons for Elite Large Scale Land Acquisition in Cameroon**

The complex and rampant issue of land deals in the country as seen from instances of colonial land grabbing under the Cameroon Development Corporation, CDC-, post-independence national land policies which have been routinely flouted. The strategies of elites land accumulation and commoditisation in different parts of the country have been a

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<sup>40</sup>L. Forjong et al, Large Scale Land Acquisition ... P.91.

<sup>41</sup> S. Mope , “ Land Grabbing, Governance and Social Peace Building Issues in Cameroon:case study of the Role of Elites in Land Deals and Commodisationin North west region”. *Journal of peasant studies*, 2011, p.3.

call for concerned. Marginal forested lands have been transformed economically valuable land. The protracted economic crisis from the 1980s up until the early 1990s on the one hand, and the opportunities created in the modern land law and the policies of economic and political liberation, permitted large scale land acquisition by elites to develop innovative strategies either for survival, maintaining social control mechanisms and even capitalist agro-pastoral productions<sup>42</sup>. These actions often violate the permanent ancestral rights of the communities over land. Other effects on peasant societies, especially the concept of “democratic entitlement” in which citizens have a universal right to be governed according to democratic standards is being implemented.

There are indications that most traditional leaders and elites violate the code of conduct inherent in customary land tenure arrangements and the opportunities stipulated in the unified national land law through expropriation and appropriation of common property lands. These strategies are for personal enrichment and satisfying patron client interests. At the same time, it can be said that the allegiance of many of these dignitaries to the ruling political party, the Cameroon People’s Democratic Movement, CPDM, gives them much room for manoeuvre. The elitist perspective depicts elites as unified in purpose in this case land grabbing and or its commoditisation and outlook because of their dominant and overlapping positions in key social institutions, and the convergence of their economic interests. Thus, it can be said that the concentration of power in a small group of elites is inevitable in modern societies, whether or not the development policies are driven by democratic and capitalistic principles. An understanding of large scale land acquisition across the country cannot be dissociated from its contemporary politics and the irreversible democratisation process. Land grabs violate the characteristics of governance at all levels of human life. Accountability, predictability, adherence to the rule of law and human rights. On the other hand, the phenomenon promotes inter-chiefdom clashes, and political sycophancy. In turn, these forces for change impede development and impair peace, social justice, societal building, regional integration, and the quality of life for poor women and men who constitute the vast majority of inhabitants in any peasant society<sup>43</sup>.

The recent wave of investment and growing demand for land in Cameroon was largely triggered by the global financial and food crises and is likely to be intensified by the

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<sup>42</sup> E. Aryeetey, “African Land Grabbing: Whose Interest are Served” at <http://www.booking.edu/articles/2010> accessed on 05/05/2020 at 10pm p. 5.

<sup>43</sup> Centre de Environnement and Développement, « *La Transparence dans le Secteur Foncier au Cameroun: Etude de cas Préliminaire de la Cohabitation Entre Agro-Industrie et Communautés Locales et Autochtones* ». Yaoundé, 2013, p. 26.

moratorium on the creation of oil palm plantations in Indonesia, increased use of biofuels by countries in the European Union, and investments by the Cameroonian elite. On the supply side, the Cameroonian government is encouraging large-scale investments in order to achieve its economic development objectives. Another factor that has allowed this phenomenon to develop is a general lack of public information about large-scale land allocations. Land allocations in Cameroon take many, sometimes surprising, forms. Investors have also become more diverse in the past they were mainly companies traditionally involved in agro-industry or drawn into it through privatisation, but since the late 2000s major multinationals, foreign national companies and large Cameroonian enterprises have shown a growing interest in acquiring land in Cameroon<sup>44</sup>.

The prices paid for land concessions vary considerably, as do land rents. Large tracts of land can generally be acquired very cheaply, which is detrimental to small farmers, especially those working in the vicinity of large agro-industrial operations. Support for small-scale producers is a key component of the country's agricultural policy, incoming agro-industrial enterprises arguably offer local producers hardly any meaningful technical or financial support. The main reasons why elites in Cameroon involved in large scale land acquisition will be examine in our subsequent discussions.

## **2. Large Scale Land Acquisition for Speculative Motives**

A majority of Cameroonian elites involve in large scale land acquisition for speculative motives. Speculative investments are often linked to urban population growth. This was more common around major urban centers where elites acquire large tracts of land with the expectation that nearby towns will inevitably expand. Yaoundé, for example, is rapidly advancing towards neighbouring towns and gradually absorbing villages in the buffer zones. This process has contributed to significant increase inland registrations by elites in villages around Yaoundé like Mfou, Ngoumou, Soa and Obala, Nkoteng, Nanga-Eboko, among others. The same phenomenon can be seen in Douala, with the registration of land on all the routes leading from the town to Moungo, Nkam, Sud-Ouest and Sanaga-Maritime. Most of the elites acquire vast tract of land with the hope that the land value will increase in the future so that they can sale the land at higher prices due to the urban expansion in to neighbouring

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<sup>44</sup> S. Nguiffo and S. Schwartz , Herakles' 13th Labour. A study of SGSOC's Land Concession in South-West Cameroon. Center for Environment and Development, Yaoundé, Cameroon 2012.<http://www.forestpeoples.org/topics/palm-oil-rspo/publication/2012/ced-publication-herakles-13th-labour-study-sgsoc-s-land-conces>  
[www.rightsandresources.org/publication\\_details.php?publicationID=4763](http://www.rightsandresources.org/publication_details.php?publicationID=4763). Accessed on 05/05/2020. 4:30pm.

divisions. Most rich and influential elites use their political power to acquire vast tracts of land in order to benefit in the future<sup>45</sup>.

Large-scale land transactions in Cameroon are not only driven by demand from investors. An important factor on the supply side is the government's desire to make Cameroon an emerging economy by 2035. In order to do this it will have to grow, hence the quest for investors and the efforts to make the country attractive to foreign direct investments. Indeed, the head of state justified the reform of the land law by the need to facilitate access to land for investors in the agricultural sector. Also, the government earmarked projects in certain localities greatly encourage large scale land acquisition for speculative motives. When the government earmarked heavy projects in particular localities, elites rush to these areas to acquire vast tracts of land with the hope that when the projects will be implemented, the value of land will increase in these areas and they will benefit in the future.

### **3. Attachment to Land by National Elite**

Large scale land acquisition due to attachment to land in Cameroon is common among most national elites. The vast majority of Cameroonians come from rural areas and they feel deeply attached to the countryside and regard land and agriculture as traditions that should be continued. This has led to the creation of plantations in certain regions, and what was dubbed agriculture for the elite in the 1980s. The practice of agriculture by some elites was a sort of ceremonial activity that involved considerable human and financial resources but was not necessarily economically profitable. In addition to these investors, a growing number of genuine rural entrepreneurs see agriculture as a source of income<sup>46</sup>. They are particularly active in the southern, central, coastal and southwestern regions of Cameroon, and some have plantations covering hundreds of hectares. A growing number of elites seem to be trying to obtain large tracts of land to invest in agriculture because of the growing demand of agricultural product and the attachment to agriculture.

### **4. Investing for Retirement.**

Many elites mainly senior civil servants and staff in the private sector acquire agricultural land that they use to try to maintain or even improve their standard of living when they have retired. Some of these actors use their relations or position to help them acquire land, preferably in the region or village that they or their spouse originally came from

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<sup>45</sup>S. Nguiffo and Michel watio, *Agro Industrial Investments in Cameroon : Large Scale Land Acquisition Since 2005*, London, International Institute of Environment and Development, 2015, p. 19.

<sup>46</sup> Ibid, p. 19.

or worked in or in an area with fertile soils and accessible land<sup>47</sup>. Thus, most of the elites see investments in land as valuable for their future retirement.

### 5. Access to Land by the Elites

According to the 1974 land ordinance all land belongs to the state and individuals can only have access to land from the state. The state which is the legal administrator of national lands, has a stranglehold on land and can dispose of it when necessary for national economic development purposes, thereby substituting itself for ethnic groups and communities hitherto considered as “the rightful owners of land”. By instituting national land, the law regroups all lands in Cameroon into two main categories: land previously registered or owned and State land. The management of national land was entrusted to the State, which therefore became the official representative of the Cameroonian Nation. National lands are distributed according to the provisions of Article 15 of Ordinance No. 74–1 as follows: “National lands shall be divided into two categories; lands occupied with houses, farms and plantations, and grazing lands, manifesting human presence and development and lands free of any effective occupation”.

The first category of national lands comprises unregistered lands occupied or used by individuals, local and indigenous communities. Occupants of such lands only have users right. They do not legally have ownership rights over such lands. 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. As a result, most of the elites acquire large tracts of land in the rural communities and proceed with the registration of the land since many people in the rural communities are not aware of the land ordinance. They continue to hold land under customary land ownership<sup>48</sup>.

The country’s land tenure institutions determine the rights and obligations of individuals, local communities, private and public administrations in access to land, forests, water and other natural resources. Land and resource rights by individuals, private, public

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<sup>47</sup>P. Levang, *Elites et Accaparements des Terres au Cameroun: L’exemple du Palmier à Huile*. Presentation at the Institut Français, Yaoundé, Cameroon, 2013, p. 4.

<sup>48</sup>S. Assembe-Mvondo, Carol J. P. Colfer, Maria Brockhaus & Raphael Tsanga, “Review of the legal ownership status of national lands in Cameroon: A more nuanced view” *Development Studies Research. An Open Access Journal*, 2014, p. 150.



administrations, and even foreign agri-businesses were either respected or access and control over them were directly negotiated with the communities concerned. Both types of land tenure institutions determine rights and obligations, as well as facilitating the accumulation of the best arable and accessible agricultural lands by elites, private and public organizations across the country the democratic and capitalist institutions. Over the years, public administrations and state funded agricultural enterprises have taken advantage of the opportunities provided in the modern land law for private property rights and the weak defense offered by customary land tenure systems to engage in the accumulation of huge arable and accessible agricultural lands in the hinterlands. The various ways of access to land by elites are as follows;

### **6. Access to Land Through Grabbing**

Access to land by some elites in Cameroon can be some times through land grab. Some elites in Cameroon use their political power and influence to grab land in the rural areas for their private investments. This has led to conflicts on land with the rural communities in many areas in Cameroon. The elites in Cameroon are most of these elites that grab land under customary land ownership and proceeds with the land registration since they have the connection to facilitate land registration. Elites, in the unique positions have the resources and connections to obtain official land titles, while also being able to take recourse to the customary system when it is more advantageous to them.. In fact, elites in Cameroon have benefitted the most from the advent of legal titles. 80% of land titles owners were claimed by elites, businessmen and civil servants. Most of the poor in the rural community are not aware of land registration and continue to hold land under customary land ownership. The elites use their power, influence and riches to grab land from the rural communities which have greatly been a source of conflict in the rural areas<sup>49</sup>.

The winners of the land governance system in Cameroon as evidenced above are therefore those elites with the resources and state connections to obtain a land title. Not only do such elites have the resources to obtain legal titles in the first place, their rights to land are protected by the state. On the other hand, farmers without such resources or state connections, such as those displaced from their land, do not have the option of obtaining a legal title, which, by de facto, prevents them from achieving secure land tenure. This results in marginalisation from a key source of resource accumulation and thus forcibly creates a disconnection between the state and many of its citizens over land. Elites land grabbing in

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<sup>49</sup>*Ibid*, p.165.

Cameroon has been a source of conflicts with the rural population in many areas in Cameroon. For example in 1987, Alhadji Baba Ahmadou Dampullo was granted a license by the government of Cameroon to open up a ranch in Ndawara in Boyo division of the North West region. The land allocated to him for the ranch had no limits and he was requested to compensate all the herders who were to be ejected from the area. Despite this, Alhadji Baba Ahmadou ejected about 70Mbororo families with more than 10,000 cattle from Ndawara without any compensation and opened up the Elba Ranch in the area and constructed an imposing structure therein as his residence.

In the year 2001, the government of Cameroon privatized her three tea estates; Tole in the South West province, Djotisa in the West province and Ndu in the North West province. Alhadji Baba Ahmadou bought the above three tea estates from the government. Within a few months he discovered how profitable the tea business is and decided to transform his Ndawara ranch to a tea estate which he has done and it is the largest single tea estate in Africa. There was therefore the need for more grazing land to accommodate his cattle. Alhadji Baba Ahmadou then forcefully occupied more than five kilometer squared of the Sabga communal grazing land in Mezam division and constructed therein semi permanent structures with wood for his shepherds, thereby extending the Elba Ranch from Ndawara in Boyo division to Sabga in Mezam division.

Land is generally considered as the bedrock of human existence as from creation, man is considered to have been made from dust and his/her survival depends largely on land and even after life on earth land is the transit point to the world beyond. This greatly explains the conflict worldwide over land with the farmer-grazier conflict in Cameroon in focus. Despite the prevalence of these disputes, the most destructive to the pastoralists of this part of Cameroon has been the conflict between them and a multi millionaire ranch owner in the person of Alhadji Baba Ahmadou Dampullo, the proprietor of Elba Ranch in Ndawara in the North West of Cameroon<sup>50</sup>.

## **7. Elites Access to Land Through Outright Purchase**

One remarkable event of the post-colonial State in Cameroon's economy has been the promotion of agro-industrial enterprises, more specifically enterprises based on plantation agriculture. This sector became one of the pillars of the government's agricultural policies. After independence, Cameroon continued the colonial economic legacy by prioritizing the

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<sup>50</sup> S. Mope , “ Land Grabbing, Governance and Social Peace Building Issues in Cameroon:case study of the Role of Elites in Land Deals and Commodisationin North west region”, *Journal of peasant studies*, 2011 p.15.

development of agriculture in its early five-year development plans. The government also promoted a new strategy of agricultural modernization. It encouraged the setting up of private middle-sized plantations in a bid to capture an intermediate position between peasant farms and plantations<sup>51</sup>. The liberalization of the plantation sector and the enforcement for more implementation of 1974 Land Ordinance enable elites to acquire and register extensive land in rural areas at the expense of the rural communities. This thus marked the beginning of the race for large-scale land acquisition in the country, with diverse ramifications on women and other vulnerable groups.

Large scale land purchase by elites has also provoked public concern due to the questionable ethics of exporting agricultural commodities from food insecure countries since most of the elites that purchase vast tracts of land engage in the cultivation of agricultural products. In addition, investors' interest in land for mineral extraction and timber are significant drivers at the local level of investor interest in land<sup>52</sup>. The plantation system which has been in operation in Cameroon for over 130 years is an indication that the system is an important partner in the development endeavors of the country. This explains why the contribution of this socio economic institution and its spatial influence in the development process of Cameroon in particular is high. Banana, rubber and oil palm grow well only in tropical areas where climate is suitable. The high production explains the sustained interest of wealthy institutions on these lands with the current justification for increased agricultural output against the background of world food crisis. While private financing for plantations in many countries seems to have decreased, multilateral and bilateral financial institutions have become the main sources of investment capital for plantations in Cameroon as illustrated by the various companies operating in the territory<sup>53</sup>.

After 2005, the dynamics of large-scale land acquisitions changed. National actors increasingly involved, the sectors are diversified beyond agriculture to include mining and all the ten political regions are implicated. Land acquired during LSLAs is put into multiple

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<sup>51</sup> L. Fonjong, V. Fokum, Rethinking the Water Dimension of Large Scale Land Acquisition in Sub Saharan Africa. *Journal of African Studies*, vol 7; 2015 p.180.

<sup>52</sup> B. Koulthoumi, Customary and Tenure and Women's Access to Land in Bipore and Kafinarou: Border area between Northern Cameroon and the South West of Chad, MA thesis in Anthropology, University of Tromsø 2008. Available online at: <http://www.ub.uit.no/munin/bitstream/10037/1629/1/thesis.pdf>

<sup>53</sup> E. Schneider, What shall we do without our land? Land Grabs and Resistance in Rural Cambodia. International Conference on Global Land Grabbing. University of Sussex. Second edition, 2008, p.4.

uses and investments. This was the case with plantation agriculture for agricultural investment, mineral exploitation, and other development projects<sup>54</sup>.

### **8. Elites Access to Land Through Gift**

One of the ways of large scale land acquisition by elites is through gift. Some elites due to their contributions in the community development are rewarded by the traditional rulers that are the custodian of land under customary land ownership with land to appreciate them for what they have done in the society. This is common with the political and administrative elites. During political campaigns they try as much as possible to participate in development projects in the communities and at times since most of the chiefs are mostly involved in politics today, allocates vast tracts of land to the elites to appreciate them for their contributions in the development of the community. Chiefs in Cameroon are seen as custodians of the land and auxiliaries of the administration in the communities they rule as traditional rulers. Prior to European colonization, chiefs served as the custodians and guardians of the rural communities and the bastions of native laws and customs. This historically dominant role of chiefs in customary land ownership influence them to have power over community land that is recognized in modern law but not protected<sup>55</sup>.

The recognition of the powers of the chiefs over customary land which gives them the power to manage customary lands was however handed to the DOs at the sub-divisional level with the nationalization of land by the 1974 Land Ordinance. Sections 14 and 15 of Ordinance development as a sign of recognition by the community, gives them the right to allocate land to the influential elites that contributes greatly to the development of the community. Although the new statute made chiefs mere statutory members of the LCB, it is difficult for the appointed DOs to assert full authority over local institutions, especially in land matters.

In formal LSLAs, Sect. 16 (2) Ordinance No. 74-1/74 and Sect. 12 of Decree No. 76/166/76 empowers chiefs and their two notables at any given time to represent their communities on the LCB<sup>56</sup>. As members of the Board, they provide vital information, including information relating to boundaries of their communities and cultural and sacred sites during environmental socio-cultural impact assessment (ESCIA). This then gives the

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<sup>54</sup>L. Forjong et al, *Large Scale Land Acquisition : Implications for Womens Land Rights in Cameroon*, Canada, International Development Research Center, 2016, p.70.

<sup>55</sup> L. Cotula , *Over the Heads of Local People: Consultation, Consent, and Recompense in Large-Scale Land deals for Biofuels Projects in Africa*, *Journal of Peasant Studies*, 2010, 37(4) p. 893

<sup>56</sup>Ibid, p.894.

chiefs the power to allocate community land to individuals that impact the progress of the community. Thus, due to the powers of the traditional rulers to control and manage community land, most of the elites have access to large tracts of land through donation by the local chiefs. For example in the upper Sanaga division precisely in Minta sub division one of the prominent elite of this locality Ferdinand Ngoh Ngoh the secretary of state, Secretary general at the presidency was granted vast tracts of land as gift by the community as a reward for his contribution in to the development of the locality<sup>57</sup>.

Although the Cameroon land tenure laws of Ordinance No. 74/1/74, particularly Sect. 14 and 15, were intended to eclipse the customary land tenure system, this has not been the case. Customary land tenure is still a strong feature of land tenure even if tenure rights of such land holders are not legally recognized. Statutorily, customary rights over land lapsed by virtue of section 14(3) of Ordinance No. 74-1/74. Yet, custom in practice still regulates most land tenure and transactions especially in rural areas. Customs and statutes classify, regulate, and define women's land rights differently. For example, while statutes classify land into state, private, and national land, customary laws classify land into family, communal, and sometimes palace land. Although the law is clear, these different classifications have brought confusion, leading to rivalry between the chiefs and local public officials or DOs as to who is the owner and overall landlord of national land. In customary tenure, this landlord is the chief and family heads, working with their traditional or family councils, who today are malleable as they are increasingly influenced by powerful political and business elites. With statutory laws, it is the civil administrators through the Land Consultative Boards or Site Board Commissions.

The procedure for grant of customary tenure is much easier as it is through negotiation, consultation and signing of a memorandum of understanding, which is not the case with statutory laws which require adherence to strict procedure. In all of these, the investors are given priority right to land because the chiefs and traditional elites are always self-seeking . The continuous existence of statutory laws alongside customary practices affects the land grant process as the investors tend to choose the one that best favours their interest.

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<sup>57</sup> Interview, chief of Vageen village, Mbeck Joseph, Aged 59 , at Minta, 3 June 2020.

## II. Processes and mechanism of large scale large acquisition

Both formal and informal processes and mechanisms are employed by actors involved in LSLAs in Cameroon. These processes make land available to multinational companies and elites in Cameroon. Investment on land depends largely on land tenure security, and without secured tenure many investors will not commit to the investments in order to enhance economic development. Most African countries become so aware of the fact that they have recently initiated two major processes that are progressively transforming the land governance landscape. Cameroon makes massive land allocations to national and foreign investors for agro- industrial investments, mining, forest exploitation, oil. On the other hand, many countries are reviewing their land laws with the aim of creating an environment, free from factors that could lead to the hostility of local peoples. One defining feature of the African continent is that its rural communities depend heavily on land mostly lands currently sought by investors and claim customary ownership of up to 70% of all lands. In this context, designing land laws that are in full accordance of protecting customary land rights of those communities is crucial<sup>58</sup>.

### A. Formal processes and mechanism

These are processes that have been defined by law and other administrative practices. While these processes on face value may be gender and community neutral, they end up marginalizing and neglecting vulnerable communities during implementation. Generally, formal processes involve large-scale land grants allocated to investors through leases. The allocation of land is either on the recommendation of the Land Consultative Boards when on national land or Site Board Commissions if on State lands.

#### 1. Provisional Concessions

The potential investor identifies the land they want and sends their application for a concession to the head of the departmental land service. This triggers the procedure for convening a meeting of the Consultative Committee, which is responsible for assessing applications for unregistered rural land and making recommendations that take account of local needs for agriculture and grazing, which are then passed on to higher level administrative bodies. Some investors start negotiations with local communities during the identification phase to try to preserve local living spaces and prevent possible conflicts,

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<sup>58</sup> T. Nkumtcha, *Community Rights Network*, Report published by the Center for environment and development, 2016, p 16.

although there is no legal requirement to do this. Practices vary considerably from one site to another as there are no specific mechanisms and directives to help identify the desired objectives in terms of protecting communities land rights or to determine which tools should be used to achieve them.

The Consultative Committee provides its reasoned opinion in the minutes attached to an application, and the head of the departmental land service sends the file to the administrative authority with the power to sign the order granting the concession. The Consultative Committee provides its reasoned opinion in the minutes attached to an application and the head of the departmental land service sends the file to the administrative authority with the power to sign the order granting the concession. Concessions of up to 20 hectares are approved by the governor and signed by the Senior Divisional Officer; concessions of 20-50 hectares are approved by the minister responsible for land and signed by the governor; concessions of 50-100 hectares are approved by the President's Office and signed by the minister of state property and land tenure and concessions exceeding 100 hectares are approved and signed by the president of the Republic<sup>59</sup>.

Land allocation contracts can be divided into two generations, with the first involving companies that were already active in the agricultural sector. The current land regime seems to have been designed with this category of actors in mind, as it only covers the assignment of rights required to run the projected agricultural operations. The companies concerned essentially wanted to ensure that they had secure access to land and that their land rent would be stable, as the profitability of their operations would be jeopardized by large fluctuations in rents. Secure access to land Companies obtain the right to use a specific piece of land in a particular location for a pre-determined period of between 18 and 50 years. In certain cases, such as the expansion of one sugar company's operations, the contract obliges the company to mark out the land it has acquired with the parties concerned within six months of the acquisition. This determine exactly what the concession covers, it plantation land occupied by actors or communities for their purpose. Some of the rights acquired by companies overlap with those of the communities. Often land is granted under the assumption that it is

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<sup>59</sup> However, it is worth noting that certain terms in Circular No 000009/Y.18/MINDAF/D300 of 29 December 2005 contradicts the provisions of Decree No 76-166 of 27 April 1976, which determines how national land is managed. With regard to the allocation of provisional concessions, Article 7 of the Decree of 1976 states: "Concessions of less than 50 hectares are allocated by order of the ministry responsible for land. Those of over 50 hectares are allocated by presidential decree." Therefore, prefects and governors are not officially empowered to allocate provisional concessions, and the largest area that can be allocated by the minister responsible for land is 50 hectares, not 100 hectares as stated in the Circular.

vacant. Land is often part of the communities' commons and forms an integral part of their traditional system of production. Taking this land and clearing it affects community capacity to hunt, fish and gather non-timber forest products. These issues have been a recurring source of complaint in some land allocations.

Exclusive rights to enjoy the assigned land Contracts ensure that companies have exclusive rights to the land they have been assigned so that they can plan operations without having to interact with any other actors. In return for these exclusive rights, they have to make productive use of the land within a timeframe agreed with the state between three and five years, and are not permitted to assign or sub-contract the concession without formal authorisation from the administration. Failure to comply with these conditions result in the loss of their rights<sup>60</sup>. In addition to the right to use the land for agricultural production, some companies seek rights that are likely to generate additional, non-agricultural revenues. This is a recent trend, mainly observed among companies that do not have a long tradition of agricultural production. These additional rights include Commercial rights other than those to the land. The company can either obtain free of charge benefits that it would have had to pay for or use goods and services whose market value is not determined but which are used by numerous other actors. In the first case, clauses in the contract may authorise the investor to use natural resources on the site where it operates without having to go through the formalities or make the payments usually required to access these resources under current legislation. For example, the contract for one company contains provisions that allow it to plant, fell and use wood from the land that the investor or one of its affiliated companies deems necessary to construct and maintain amenities, without having to seek any other authorisation or pay any additional expenses<sup>61</sup>.

The same arrangements apply to water, stones and rocks, and sand and gravel. Option rights assigned to the company. One example of this is the agreement to assign 90 per cent of the shares held by the state in one company's capital providing the company a two-year period to allow it to better evaluate the quality of the lands that have been leased, with the option to demand a reduction in the amount of land that it rents and the amount of rent that it pays. Rights intended to protect the investment provide a means of recourse in the event of disagreement with the government of Cameroon. Companies can try to protect themselves against exposure to possible risks caused by the discovery of oil or underground resources on

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<sup>60</sup>S. Nguiffo and Michel watio, *Agro Industrial Investments in Cameroon: Large Scale Land Acquisition Since 2005*, London, International Institute of Environment and Development, 2015.p. 38.

<sup>61</sup>*Ibid*, p.39.



their concession through clauses stipulating that no activities to seek or extract mining resources can take place on the concession if this interferes with their operations, and that the state will pay financial compensation if this should happen.

Taking account of communities' rights certain community rights are recognised and protected under current legislation relating to land and forests in Cameroon. These rights fall into two types, Property rights to spaces covered by land titles held by individuals or local communities. This means that individuals and collectives have the right to fair and prior compensation for the destruction of their goods as a result of an agroindustry plantation being set up on their land. However, the conditions for granting land titles does not allow individuals or communities to dispose of natural forests; productive use must be proven to be able to seek land titles, and in the Cameroonian context, productive use involves the destruction of spaces and resources. As communities have limited capacity to make productive use of land, they can only legally own small amounts of land. The right to use national land and, under more limited conditions, to use state land. Thus, community members have the right to be compensated for the loss of productive use of national land that has been taken over by an agro-industrial plantation. As a consequence of this right, and because of their lack of property rights to national land, communities also have the right to be consulted over the allocation of land concessions.

## **2. Short and Long Term Leases**

The most dominant method of acquisition of large-scale land in Cameroon is through land grants, lease or assignment under prescribed conditions. By Sect. 17 (1) of Ordinance No. 74-1/74), any jurist wishing to carry out development in tandem with the State's socio-economic development must apply to the LCB following the procedure spelled out in Sect. 4-8 of Decree No. 76/166 of 27th April 1976 for temporary leases (five years) for exploitation of national lands. Land concessions Concessions are granted over national land upon expiration of the five year temporary grant. In this case, the temporary grant may be converted into absolute grant or long lease of 99 years in case of a foreigner, on recommendation of the LCB. The LCB does an assessment of the development on the land and draws up a report specifying the level of investment carried out on the land to the Senior Divisional Officer (SDO). The SDO may propose that an absolute grant be awarded based on development so far carried out following the conditions of the grant. The grantee must have

applied for the renewal the LCB is a quasi-judicial organ that is presided over by the divisional officer at each sub-division<sup>62</sup>.

The applicant is required to apply in triplicates using appropriate form in which is included full bio data, articles of association, a power of attorney if acting through an agent, four copies of sketch map of the land, certified copies of birth and marital certificates, a stage-by-stage development program of the supposed project. This application that is transmitted to the appropriate lands Service shall then be scrutinized by all the concerned government departments for their opinion which shall be forwarded to the LCB which after examination shall make its recommendations to the Minister of lands for allocation of temporary grant below 50 ha or to the Head of State if above 50ha.

### **3. Allocations of State Lands**

The allocations over the private property of the State may be by allotment, leasehold to private individuals or allotment of freeholds to companies. This can be done as Ordinary leases. The government may grant ordinary lease of 18 years over private property of the State to interested private juristic persons. This is granted by the Minister in charge of Land as per Sections 16-22 of Decree No. 76/167 of 27th April 1976, upon the recommendation of the land consultative board. The grantee is expected to pay rents in advance which are subject to revision. On the other hand, Longterm lease is granted for durations within 18-99 years to interested applicants in line with Sections 23-26 of Decree No. 76/167 of 27th April 1976. The grantee is required to adhere to the terms of the grant. As specified in the grant, such grantees must improve on the property by way of development within a specified period and may be permitted to mortgage or assign their rights over the State land<sup>63</sup>.

### **4. Allotment as Contribution to the Capital of the Companies**

As the State's contributions or expansion of the capital of a company, it can donate part of the private property of the State as per Sect. 12 of Decree No. 76/167 of 27th April 1976. Such contribution of fixed asset shall be reincorporated in the private property of the State in case of bankruptcy, winding up or liquidation. A typical example of this is Decree No. 77/456 of 4th November 1977 granting 16, 500 hectares of private real property of State land in the Mungo Division to CDC for the cultivation of rubber as part of the State's contribution to the

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<sup>62</sup>L. Forjong et al, *Large Scale Land Acquisition: Implications for Womens Land Rights in Cameroon*, Canada, International Development Research Center, 2016, p.82.

<sup>63</sup>*Ibid*, p. 83.

capital of CDC. This has subsequently been converted into a land certificate and therefore becomes the freehold land of the CDC.

### **5. Assignment to Public Bodies**

It involves the transfer of private property of the State to a public body through a Decree upon recommendation of the LBC after approval by the town planning officials. Such grants are not available to private juristic persons but only to government organs and departments. This was the mode of land grants to some of the development projects set up in the late 1970s and early 80s to boost the Operation Green Revolution. Such grants include the lands assigned to Upper Noun Valley Development Authority (UNVDA) and Wum Area Development Authority (WADA). The assigned lands must be used for the sole purpose requested by the public body. The assignee is supposed to use the land within three years of grant under pain of it being withdrawn upon recommendation of the Minister in charge of lands<sup>64</sup>.

### **B. Informal Processes of Large Scale Land Acquisition**

Although the Cameroon land tenure laws of Ordinance No. 74/1/74, particularly Sect. 14 and 15, were intended to eclipse the customary land tenure system, this has not been the case. Customary land tenure is still a strong feature of land tenure even if tenure rights of such land holders are not legally recognized. Statutorily, customary rights over land lapsed by section 14(3) of Ordinance No. 74-1/74<sup>65</sup>. Yet, custom in practice still regulates most land tenure and transactions especially in rural areas. Customs and statutes classify, regulate, and define land rights differently. For example, while statutes classify land into state, private, and national land and customary laws classify land into family, communal, and sometimes palace land.

The procedure for grant of customary tenure is much easier as it is through negotiation, consultation and signing of a memorandum of understanding, which is not the case with statutory laws which require adherence to strict procedure. In all of these, the investors are given priority right to land because the chiefs and traditional elites are always seeking for their interest. The continuous existence of statutory laws alongside customary practices affects the land grant process as the investors tend to choose the one that best favours their interest.

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<sup>64</sup>Ibid, p.84-85.

<sup>65</sup> Ministry of State Property and Land Tenure, *State lands in Cameroon, Laws Decrees, Ordinances Circulars*, Yaounde, 2008.

## 1. Negotiation of Memoranda of Understandings (MoUs)

Signing MoUs with affected villages is a customary informal process of land acquisition that is not backed by the Land Ordinances. The is not transparent and the provisions of the MoUs are sometimes vague and elusive. Quite often the chiefs and elders negotiating these MoUs have no legal minds and are inexperienced. This is mostly common when allocating land to political elites for their contributions in the development of the communities. Again, some of the MoUs are negotiated in secrecy, far away from affected areas through coercion, intimidation, bullying, cajoling or outright bribery of local chiefs and other influential community members. In some cases, elites and chiefs who signed these MoUs, committing their villages did so for their selfish interests in exchange for appointments into the board of companies, getting a job for relatives, friends, without any prior consultation with their people. In the end, community interests, whose livelihoods rest solely on the land and landed resources are ignored.

The long-term effect is that when the promises in the MoUs are not forthcoming, some of the chiefs and elites who were signatories complain that they did not know what they were getting themselves into and for that reason are asking for renegotiations. Other communities have learned from the misfortunes of their neighbors and are refusing to enter into new MoUs for lack of faith in them. Interestingly, the local administration is aware of the lapses of these MoUs, but because of other interests allows them to continue<sup>66</sup>. The absence of accountability from local administrators and political elites means the villagers have nowhere to turn to, leaving investors to have a free ride over the land even if it is only for a while before tension erupts. Hardly have these communities succeeded to push for parliamentary commissions to check some of the illegalities going on in the informality<sup>67</sup>. Local attempts are blocked by the same powerful elites who may be directors, ministers. This is mainly to protect their rights to acquire vast tracts of land for investments.

## 2. Implications to rural communities' land rights

In Cameroon, the question of who owns land is contentious because the rules governing ownership are implied rather than clearly stated. Ordinance No. 74, Section 1, Subsection 2 of 6 July 1974 states, 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. This was supported by Decree No. 76/165 of 27 April 1976,

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<sup>66</sup>L. Forjong et al, *Large Scale Land Acquisition...*, p.90.

which set the rules governing land tenure and the processes involved for obtaining a land certificate. Government officials representing the state adhere to the 1974 ordinance as the only legitimate tool to justify its ownership of land that lacks private ownership certificates<sup>68</sup>. Section 1 of the ordinance is ambiguous and contradictory. It states that “the state guarantees to all natural persons and corporate bodies having landed property the right to freely enjoy and dispose of such lands” (Ordinance No. 74-1 of 6 July 1974)<sup>69</sup>. The meaning of natural persons and corporate bodies is not made explicit; and the statement implies that local Cameroonian communities also have ownership, sale, and disposal rights.

However, in reality this is not the case, because existing land laws do not fully recognise their customary tenure. Attempts by local government to restrict access to land and forest resources tend to contradict the generations-old system of customary land access. Administrators often argue that local or indigenous populations have the right to use land, but not to own it as property. Customary tenure institutions recognise land as a collective resource that can only be owned by communities or a group of people with a common lineage<sup>70</sup>. Land belongs to a vast family, including the dead, living, and unborn. Traditional leaders or family heads serve as custodians, and allocate land to individuals according to farming, hunting, and settlement requirements. Authority resides with communities, with local chiefs usually serving as land administrators. This keeps local conflict over use rights at a bare minimum, since chiefs and elders are regarded as ancestral representatives. In addition, land is viewed as a primary source of sustenance, as well as an element of nature. It is, and was, seen as a conduit through which local communities relate to their ancestors socially and culturally, and this interaction has a significant impact on control, ownership, and management.

The privileges enjoyed by local populations under customary law often conflict with legal codes. Subsections 14 and 15 of Ordinance No. 74, Section 1, 6 July 1974, state that all lands, including those under customary tenure without a land certificate, are state-owned irrespective of the length of time they were occupied. Since land titles are the only legitimate proof of land ownership, but are too difficult and expensive for most local communities to obtain, corporations (both national and international) are able to automatically invalidate customary tenure and render it redundant through existing legal provisions. When most of

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<sup>68</sup> F. Ndi, *Land grabbing, Local Contestation and the Struggle for Economic Gains: Insight from Nguti Village South West Cameroon*, P.8.

<sup>69</sup> C. Howard, *A Thirst for distant land : Foreign Investment in Agricultural Land and Water*. New York, International Institute for Sustainable Development, 2009, P.23.

<sup>70</sup> *Ibid*, p. 24.

these local community land is acquired by multinational companies and the elites it greatly affects the community land rights on access and control of land in the rural areas. Overall, this situation leaves the occupants of 90 per cent of the land in Cameroon with insecure rights.

The International Covenant on Economic, Social and Cultural Rights, stipulates that the State is obliged to ensure for everyone under its jurisdiction access to the minimum essential food which is sufficient, nutritionally adequate and safe, to ensure their freedom from hunger. A State would be acting in violation of this right if, by leasing or selling off land to investors (whether domestic or foreign), it were depriving local populations from access to productive resources indispensable to their livelihoods, unless appropriate alternatives are offered. It would also be violating the right to food if it negotiated such agreements without ensuring that this will not result in food insecurity, for instance because this would create a dependency on foreign aid, as large proportions of the food produced thanks to the foreign investment would be shipped to the country of origin of the investor or sold on the international markets”<sup>71</sup>.

As a result, when multinational companies and elites acquire vast tracts of land in the rural communities for investment it greatly influences the communities on access to resources such as food that is very vital to the livelihood of the communities. During the global food price crisis of 2007/2008, the impacts of high food prices on international markets were significantly larger in countries with fewer domestic alternatives to internationally traded grains, whose prices rose. Governments should be aware of the increased vulnerability which may result from increasing their dependency on international markets to achieve food security. The need to preserve food security of the rural communities should be considered in the negotiation of the investment agreements on large scale land acquisition.

### **III. The Church and Large Scale Land Acquisition**

One of the most important goal of church planting and growth in Africa was to acquire land required for the provision of public goods such as schools, clinics and cemeteries. This made the church become the owner of relatively large parcels of land in communities across Africa. As would be expected, the increasing competition over land and

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<sup>71</sup>N.Rass, “Policies and Strategies to Address the Vulnerability of Pastoralists in Sub-Saharan Africa”, PPLPI (Pro-Poor Livestock Policy Initiative, FAO) Working Paper No. 37, 2006, available at : [www.fao.org/ag/AGAinfo/programmes/en/pplpi/docarc/execsumm\\_wp37.pdf](http://www.fao.org/ag/AGAinfo/programmes/en/pplpi/docarc/execsumm_wp37.pdf)

the ensuing conflicts which have become more and more common in the continent have not left the church unaffected. Indeed, episodes of conflict over land between churches and host communities are common in Africa's land conflict history<sup>72</sup>. Large scale land acquisitions by the church is the buying or leasing of large pieces of land to the church. Land grabbing is a fundamental human rights violation that calls for local, national and international concern. In Cameroon Christianity and Islam are the major religions. These two major religions were involved in large scale land acquisition in Cameroon

### **1. Islam in Cameroon and land Acquisition**

The history of the Fulbes indicates their origin from Futa toro in Northern Senegal. They migrated eastward to central and Eastern Sudan probably due to their refusal to accept Islamic practices. They reached north Cameroon where they wandered in search for land and pasture. Their contact with the local population of north Cameroon encouraged co-existence since they respected the practice of the local chiefs whenever necessary. Despite the fact that some Fulbes were converted to Islam, most of them never found it appropriate to be islamised. They resisted the encroachment of Islam and organized opposition to missionary propaganda. From the beginning of the nineteenth century, the Fulbe were islamised. The Fulbe leader in north Cameroon Modibo Adama went to northern Nigeria and took the flag of investiture from Uthman Dan Fodio to spread Islam in North Cameroon. One of the economic reasons for the Jihads in Cameroon was to acquire vast grazing and agricultural land in North Cameroon. Land was also needed to construct Islamic learning centers and mosques in north Cameroon<sup>73</sup>.

### **2. The Christian Missionaries and Land Acquisition**

The first Christian missionary body to arrive the coast of Cameroon was the London Baptist Missionary Society. After the Abolition of slave trade in the British Empire in the early 1830's, some emancipated slaves from Jamaica pressed for an evangelical mission to come to Cameroon and atone for the crime committed during slavery and slave trade. The first missionary team was composed of Revrend John Clarke and Dr G.K. Prince. The second team was led by Alfred Saker and Joseph Merrick. When Saker arrived the coast of Cameroon, he bought a piece of land from King Williams of Bimbia and named the land Victoria in honour of the queen of England. Victoria became the base of the London Baptist

<sup>72</sup> M. Lang Kpughe, "Land disputes between the catholic church and indigenes in the Weh Fondom 1957 to 1996", *Ghana social science Journal*, volume 14, no 1, 2017

<sup>73</sup> V J Ngoh, *Cameroon 1884-Present(2018): The History of the People, Cameroon*, Limbe, Pressbook Limbe, 2019, P.24.

missionaries in Cameroon. From Victoria, they moved inland land acquire land and established in land mission stations. Other missionary bodies that came after the London Baptist missionaries continued to acquire vast land to set up mission station, open schools, hospitals like the Basel missionaries, the Roman Catholic missionaries, The seven day Adventist missionary societies etc. Large scale land acquisition by the missionaries started form the inception of the missionaries in Cameroon<sup>74</sup>.

### 3. Recent Trends

The recent trends of large scale land acquisition by the church have continued by with the emergence of other church denominations referred to as Pentecostal churches. These recent trends have developed conflicts with the rural communities especially large scale land Acquisition by the catholic church. Land is a much priced asset world over. In most countries around the world wealth is evaluated based of the number of acres and hectares owned by an individual and since it is on land that most investment is carried out by the church,, it is but normal that every issue surrounding land becomes sensitive as to yield divisive tendencies amongst people. In the words of His Lordship Cornelius Fontem Esua, Archbishop of Bamenda Archdiocese;“Owning land has a price and giving away land has a price but taking by force a piece of land that belongs to another brings a prize for which no winner is proud to claim. Spilling blood over land that will make no difference if we own it is nothing but sheer wickedness and it does not present us as true children of God<sup>75</sup>.” The demand for land by the church has increased in the recent years due to the need to invest in social services and expand evangelization in Cameroon. This has led to the development of conflicts with the rural communities as access to land by the church has generated conflicts with the rural Communities sespecially the Roman catholic church.

### Conclusion

The various actors identified above involved in large scale land acquisition are out for profit maximization, no matter the terms of the concessions or the land lease and for self interest. In Cameroon, the general concept that land in the rural areas is vacant and without effective occupation or exploitation encourage many actors that are in demand for land to involve in large scale land acquisition .The 1974 and 1976 land reforms have had little impact

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<sup>74</sup>*Ibid*.p. 31.

<sup>75</sup> E. Chunyuy, “The Church and Inter-Communal Voilence: Study of Land Grabbing and the role of the Catholic Justice and Peace Commission in the Bamenda ArchDiocese”, Masters Thesis in Philosophy, Catholic University Bamenda, 2016, P.23.



on land ownership in the country as less than 20% of land is titled<sup>76</sup>. Consequently, most lands today that are untitled are national land held under customary tenancy without security. Ironically, customary communities though without land titles continue to claim ownership of national land on the basis of customary ties and acquisition through first settlement or conquest. This legal illiteracy of the communities in land ownership makes them vulnerable to some unscrupulous investors who with the complicity of some elites have acquired and taken control of what was hitherto considered communal land. In terms of management, national land is jointly governed by the state and customary communities through the Land Consultative Board (LCB). The board is chaired by the local administrative officer and customary communities are represented by the chief and his two notables. The LCB demonstrates a significant shift of the value of land from a deity to a commodity, and the control over land from communities to administrative authorities, some of whom have undermined community interest for their selfish economic interests. Some investors have exploited the weaknesses including the naivety of some local communities, to acquire land with the complicity of some state officials, elites, and local chiefs<sup>77</sup>.

The creation of the National Lands in 1974 helped to establish the coexistence of statute law and the full range of customary rights. However, this coexistence has not re-established communities' traditional land tenure rights, which have been reduced simply to customary land use rights, enshrined both in land-related legislation and in other sectoral laws. This means that communities have no choice but to use the official registration process if they wish to own their own land. This out-of-step situation causes uncertainty and tension between different claims of legitimacy. It also gives the government free rein to award commercial rights to land within National Lands, thus suppressing the land rights claimed by rural populations. Moreover, the legal system in force favours land use rights which are granted and sanctioned by the Government over customary claims, and legal protection is only afforded to those who can provide proof of the land's added value.

The rural communities find themselves in a more vulnerable situation in relation to land management. Indeed, indigenous communities have faced changes to land systems since the colonial period, and colonial laws adopted after independence favour individual

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<sup>76</sup> L. Fonjong et al, *Large Scale Land Acquisition: Implications to Women's Land Rights in Cameroon*, Canada, International Development Research Center, 2016 pp.50-51.

<sup>77</sup> L. Fombe, L. Fonjong and I. Sama Lang, "The Impact of Land Tenure Practices on Womens Right to land in Anglophone Cameroon and Implcations on Sustainable Development", Final technical report university of Buea, 2015,P.15.

property, imposing ownership as the basis for the land system and therefore indirectly removing ancestral rights to land. Large scale land acquisition have been engine in Cameroon by various actors in which the trend have continued to increase in recent years. In our subsequent chapter we shall examine the main actors involve in large scale land acquisition in the upper Sanaga division and their various activities carried out on this vast tracts of land.

## CHAPTER THREE

### UPPER SANAGA DIVISION AND THE CONCEPT OF LARGE SCALE LAND ACQUISITION

Large scale land acquisition has been experience in the Upper Sanaga Division where multinational companies and elites have involved in large scale land acquisition in this locality. The vacant and unexploited land in this locality has attracted investors to acquire large tracts of land in this locality. The main objective of this acquisition was to invest on agricultural productivity which has since time immemorial been the back bone of Cameroons economy. The physical features in the division has attracted many multinational companies and elites to acquire vast tracts of land to invest on agriculture mainly for commercialisation. The global financial and food crises together with the drive for cleaner energy created new dynamics of land rush associated with large-scale land acquisitions in this locality. The inadequate mechanisms defining the land rights of the local communities creates situations in which communities are unable to negotiate and protect local interests, livelihoods and welfare in land deals.

Land is the life wire for the rural population. Land in Cameroon is governed by the 1974 Ordinance, followed by three subsequent decrees in 1976. These Ordinances converted all lands except state and private titled lands into national land as per Sections 14 and 15 of Ordinance No 74-1 of 6th July 1974. Section 1(1) of Decree No. 76/165/76 makes the land certificate the only evidence of ownership. The 1974 and 1976 land reforms have had little impact on land ownership in the country as less than 20% of land is titled. Consequently, most lands today that are untitled are national land held under customary tenancy without security. Ironically, customary communities though without land titles continue to claim ownership of national land on the basis of customary ties and acquisition through first settlement or conquest<sup>1</sup>.

This legal illiteracy of the communities in landownership makes them vulnerable to some unscrupulous investors who with the complicity of some elites have acquired and taken control of what was hitherto considered communal land. In terms of management, national land is jointly governed by the state and customary communities through the Land Consultative Board (LCB). The board is chaired by the local administrative officer and

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<sup>1</sup>P. Sone, "Conflict Over Land Ownership: The case of Farmers and Cattle Graziers in the North West Region of Cameroon", *African Journal on Conflict Resolution* Volume 12(1) ,2012, p. 83.

customary communities are represented by the chief and his two notables. The LCB demonstrates a significant shift of the value of land from a deity to a commodity and the control over land from communities to administrative authorities, some of whom have undermined community interest for their selfish economic interests. Some investors have exploited the weaknesses including the naivety of some local communities, to acquire land with the complicity of some state officials, elites and local chiefs for investments<sup>2</sup>. This has been a common phenomenon in the upper sanaga division where multinational companies and the elites have acquired vast tracts of land for agricultural investment.

The government policy to enhance development attracts investments especially in the agricultural sector which encourage large scale land acquisition. In April 2003, the government of Cameroon adopted its first Poverty Reduction Strategy Paper (PRSP) to define the overall framework for its development policies. Since then, progress in implementing the PRSP has been presented in four Annual Progress Reports covering the period 2003-2006. In 2007, the government began a wide-ranging consultative process to fully update the PRSP. At the conclusion of the process, a new growth and employment strategy (DSCE) was adopted by the Cabinet in August 2009 and presented to the public in November 2009. In this paper the state focus on exploring areas that will enhance employment an alleviate poverty in Cameroon. As a result, one of the methods of implementing this was to open room for Foreign Direct Investments in other to enhance economic growth and alleviate poverty.

The state holds that foreign investments will contribute to solve the problem of unemployment and above all alleviate poverty in Cameroon. The strategy also puts considerable emphasis on agricultural diversification and productivity, in particular to achieve food security. Five key priority areas were identified infrastructure development in energy, telecommunications, and transport; development of the rural and mining sectors; improvement in human resources through health, education, and training; greater regional integration, export diversification, financial sector deepening and Strengthening. In other to diversify agriculture, the government encourage large scale agriculture which have greatly encourage multinational and elites to acquire vast tracts of land in the rural areas for agricultural investments in other to accompany the government achieve its mission<sup>3</sup>.

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<sup>2</sup>L. Forjong et al, *Large Scale Land Acquisition: Implications for Womens Land Rights in Cameroon*, Canada, International Development Research Center, 2016.p.8.

<sup>3</sup>S. Nolan and D. Ghura, "Strategy Document for Growth and Employment in Cameroon". Joint Staff Advisory Note of the International Monetary Fund and International Development Association, 2010, p. 25.

The Vision 2035, which served as the anchor for the DSCE, spells out the government's ambition to position Cameroon as an "emerging nation, democratic and united in its diversity" by 2035. Its principal objectives include, reducing poverty to less than 10 percent, becoming a middle-income country, being an industrialized nation, and consolidating democracy and national unity. Poverty alleviation was mainly to bring poverty to a minimal level that can be tolerated at the social level notably by ensuring strong, sustained and job generating growth, increasing and extending social services like health, education, housing, water electricity and roads. The vision aimed at putting the poverty reduction strategy paper and the growth and employment strategy paper under review in the long term with the vision to foresee structural changes in the society. Achieving the above stated goals, the Cameroon Government saw investments on land as a means to attain the objectives.

Land is central to local people's development strategies<sup>4</sup>. Most rural activities in Cameroon involve using local spaces and resources to provide food, shelter and income from agriculture, including rearing livestock, fishing, gathering wood and non-timber forest products, producing charcoal and hunting. Land is not just a productive resource, it also has a cultural value and shapes the identity of the people whose livelihoods depend on it. It is where they live and work, home and religious sites where ceremonies are held to protect the community and maintain people's links with their ancestors. Land allocations in Cameroon takes the rural communities sometimes in a surprising form. Investors have also become more diverse in land deals especially multinationals and elites.

In the past they were mainly companies traditionally involved in agro-industry or drawn into it through privatisation but since the late 2000s major multinationals, foreign national companies and large Cameroonian enterprises have shown a growing interest in acquiring land in Cameroon. The size of the land allocations is also increasing. Companies are now introducing new crops including maize, rice and oil palm, alongside their traditional export crops coffee, cocoa and cotton. The general trend is to focus on production for direct export before the produce is processed, which certainly improve the national balance of payments but does not create any real added value in Cameroon<sup>5</sup>. The prices paid for land concessions vary considerably, as do land rents. Large tracts of land can generally be acquired very cheaply, which is detrimental to small farmers, especially those working in the

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<sup>4</sup> Ministry of Economy Planning and Regional Development, Republic of Cameroon: Vision 2035, Yaounde, p. 18.

<sup>5</sup> S. Nguiffo et al, Agro-Industrial Investments in Cameroon...p.34.

vicinity of large agro-industrial operations. Support for small-scale producers is a key component of the country's agricultural policy, incoming agro-industrial enterprises arguably offer local producers hardly any meaningful technical or financial support. In this chapter we shall examine large scale land acquisition by multinational companies and political elites in the upper sanaga division.

### **I. The History of Large Scale Land Acquisition in the Upper Sanaga Division**

After the independence and the reunification of British southern Cameroon with la Republique du Cameroon, president Ahmadou Ahidjo came to power as the first president of the Federal Republic of Cameroon<sup>6</sup>. His second five year development program was called the peasant plan because it particularly laid emphasis on accelerating the commercialization sector, agricultural reforms and reorganization. This opened the way for the establishment of Agro- industries in the upper sanaga division in order to attain his economic objectives, for instance SOSUCAM a French multinational company was implanted in Mbandjock in 1965 to cultivate and transform sugar cane into sugar. The government of Cameroon in 1973 set up the CAMSUCO factory in Nkoteng for the production and the transformation of sugarcane. CAMSUCO was later privatized to SOSUCAM. These companies acquire more than 25000 hectares of arable land in the Upper Sanaga Division for the cultivation of sugar cane<sup>7</sup>.

In the 1980s, Cameroon was faced with the hard hit economic crisis which crippled down the economy. In 1986, the government announced an economic crisis that led to many reforms. One of the major reforms was the privatization of state owned cooperatives to private investors which greatly attracted foreign investors. State cooperatives in the upper sanaga division mainly CAMSUCO was privatized to SOSUCAM French company, that had acquired more than 25,000 hectares of land in the localities of Mbandjock and Nkoteng in the upper sanaga division for the cultivation of sugar cane. In 2008, the global financial and food crises together with the drive for cleaner energy created new dynamics of land rush associated with large-scale land acquisitions. Multinational companies and elites were greatly involved in large scale land acquisition in the upper sanaga division as a result of the global

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<sup>6</sup> Philippe Gaillard, *Ahmadou Ahidjo Patriote et Despote, Batisseur de l'etat Camerounais*, Paris, Groupe Jeune Afrique, 1994, pp. 173-174.

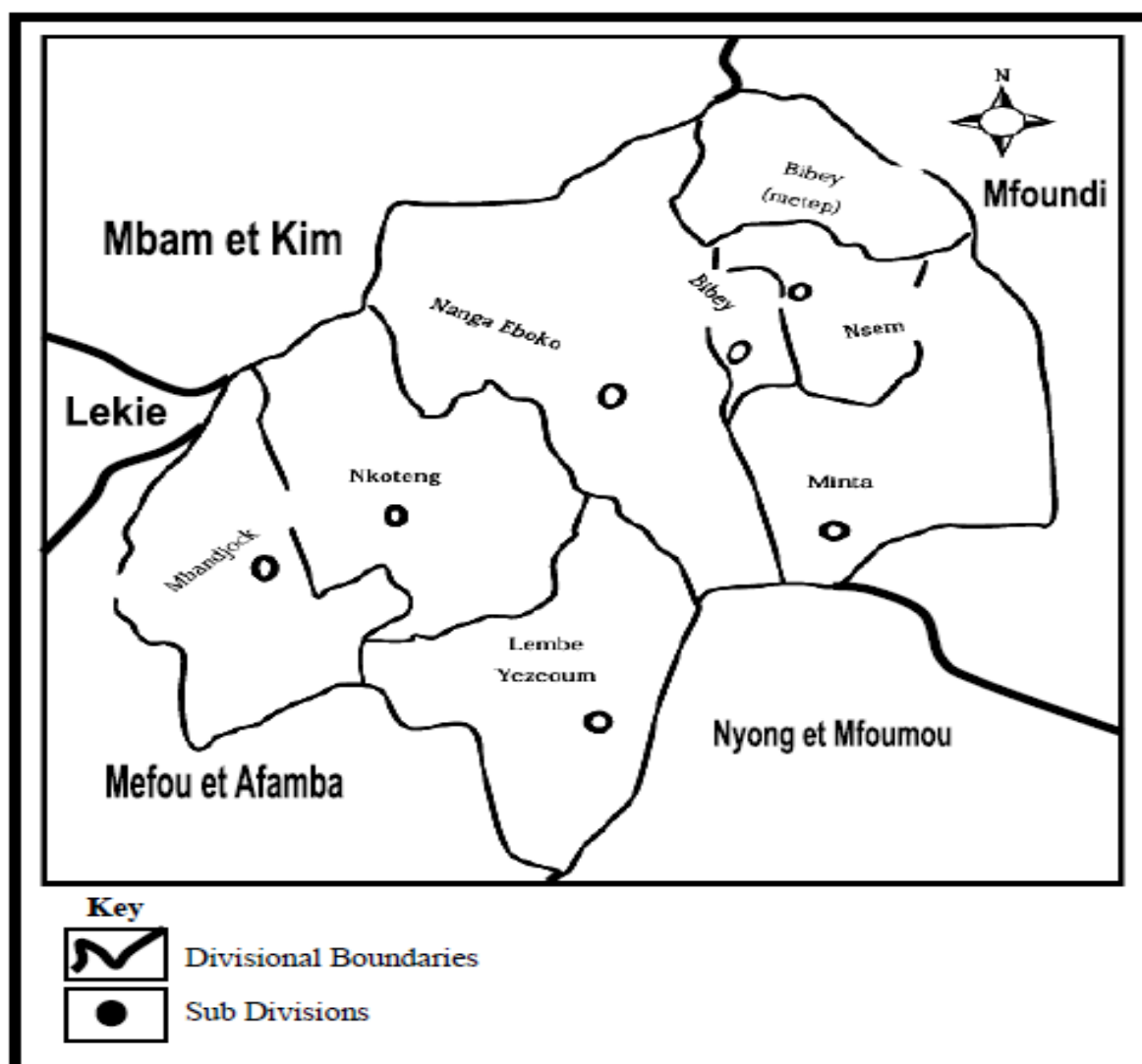
<sup>7</sup> Interview, Ngwem Honore, Chief of Security, SOSUCAM, 55 Years, 10 June 2020, 2:00 pm.

financial and food crises in Cameroon<sup>8</sup>. Today, the dynamics has greatly increased due to the increase demand for land for agro- industrial investments by multinational companies and elites in the upper sanaga division.

#### a. The Geographical Location of Upper Sanaga Division

The Upper Sanaga Division is one of the divisions that constitute the center region of Cameroon. The division has a surface area of 11895km<sup>2</sup> and an estimated population of 1.2million inhabitation. The division constitute seven sub divisions namely, Nanga – Eboko , Nkoteng, Minta, Mbandjock , Bibey , Lembe-Yezoum , Nsem.

Map 2: Upper Sanaga Division



Source: National Institute of Cartography

<sup>8</sup>S. Nguiffo, P. Kenfack and N. Mballa. "The Influence of Historical and Contemporary Land Laws on Indigenous People" Land Rights in Cameroon." Land Rights and the Forest People of Africa: Historical, legal and Anthropological perspectives. Forest People's Programme Yaounde, January 2009,p.25.

## **b. Relief**

Upper sanaga division is situated in the southern low plateau with flat surfaces dissected by rivers, radial drainage patterns form water sheds. The southern low plateau covers the center region of Cameroon with its low lying table land extending from the southern limits of the Adamawa plateau in the north to Kribi where it descends in an abrupt manner in to the coastal lowlands. This low plateau has an average height of 600m above sea level with major relief features here being the half orange hills of the center and east regions. The topography of the upper sanaga division favours mechanized agriculture. As a result multinational companies and elites acquire vast tracts of land in this locality to practice agriculture mainly because of these attractive physical features<sup>9</sup>.

## **c. Climate**

Cameroon is appropriately divided into divided into two main climatic zones: the equatorial climatic zone and the tropical climatic zone. The equatorial climatic zone stretches from latitude 2 N to 6 N degree while the tropical climate is experience between latitude 6 N to 13 N . The equatorial climate zone is further divided in to the Cameroonian type and the Guinea type. The upper sanaga division falls under the guinea type with high rainfalls of over 2500mm per year and double maximum rain fall, high temperatures of 26 degree C, high atmospheric humidity of over 60 % , high isolation rate of over 1800hours of sunshine per year. In the upper sanaga division, there are 2 periods of agricultural products of dry season and two periods of rainy seasons<sup>10</sup>. These climatic variations favour the cultivation of agricultural products, which greatly attract multinational companies and agro industrial investments in this locality.

## **d. Soils**

Upper Sanaga Division is covered with Ferrallitic soils which are good for agriculture. Ferrallitic soils have distinct characteristics explain by climate and biological characteristics. The soils are red or reddish – brown in colour. This is due to the accumulation of iron and aluminium sequioxides which remains at the top layer of the soil while the silica content is washed out or leached by percolating rain water. T he soils are highly leached due to heavy rainfall of the equatorial climate. There is a deep soil profile of about 30m due to deep chemical weathering of bed rocks composed of granites in the

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<sup>9</sup>A. Neba, *Modern Geography of Cameroon*, Third Edition, Neba Publishing House, Bamenda, Cameroon ,1999,p.39.

<sup>10</sup>*Ibid*.p.40.



southern low plateau region. The ferrallitic soils are suitable for the cultivation of tubers and tree crops. This greatly attracts multinational companies and the elites to acquire vast tracts of land for agricultural investments.

#### **e. Access to Land in the Upper Sanaga Division**

It is very important to note that land is an important asset to the rural population in the upper sanaga division because of its economic importance as it is a source of food and income to the population<sup>11</sup>. Access to rural land is a consequence of membership in a decent group or rural polity. Maintaining such access serves to validate membership in the group. This in turn often entitles a person to make claims on other resources which are controlled either by the group as a whole by its individual members<sup>12</sup>. Colonial and post-colonial concepts such as titled land ownership in Cameroon often mask the complexities of particular property systems in which rights do not involve absolute jurisdiction or exclusive individual control. Rarely do land rights have an absolute or fully exclusive character. The rules of land tenure are but one aspect of complex political and economic processes that invite attention to individual life history and strategies involving farming, trade, education, employment, migration and political participation<sup>13</sup>.

Access to land is necessary in the interaction between various systems of production both for a continuation of the subsistence economy and as an additional source of income to labourers in the formal sector. Land is often a direct factor in the production of cash crops in the upper sanaga division. In the informal sector, access to land is of major importance not only as a supplement to commercial activities, scale of surplus food production and the income-generating activities but also as a collateral for loans. For most of these strategies, access to land is necessary as an indication of its importance. Citizens who attach their attention to land however face strong competition in an attempt to supply the needs of coffee planters, Rural Farmers, Cattle owners and those elite groups who purchase land on a large scale.

#### **f. Secure Access to Land**

International Organizations dealing with land-related issues have raised the awareness of the rural communities on the importance of securing the land rights of the communities.

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<sup>11</sup> Interview with Faa Joseph, Aged 70, Community leader on land rights, Nanga Eboko, 20 June 2020.

<sup>12</sup> B. Sara, "Agrarian Crisis in Africa? A Review and an Interpretation", Paper Prepared for the joint African Studies Committee of the Social Science Research and the American Council of Learned Societies, Presented at the annual meeting of the African Studies Association, Boston, December 1983, p.66.

<sup>13</sup> A. Haugerid, "Land Tenure and Agrarian Reforms in Kenya" *Global Scientific Journal*, vol 23, 2000, p.62.

Access to land and security of tenure are necessary for people to raise and stabilize their incomes and to participate in economic growth. They are also essential prerequisites for diverse land based livelihoods, sustainable agriculture, economic growth, poverty elimination, for achieving power in markets, managing natural resources sustainably and preserving the people's culture<sup>14</sup>. The International Land Coalition reaffirms that secure access to land and productive resources is a vital link between food security, sustainable resource management, peace, security and consequently the reduction of poverty. It is not so much a technical challenge but a political process of negotiation, conflict resolution and managing the vested interest<sup>15</sup>.

The Food and Agriculture Organisation asserts that access to land is a factor in the eradication of food insecurity and rural poverty. Inadequate rights of access to land and insecure tenure of those rights often result in entrenched poverty and are significant impediments to rural development and the alleviation of food insecurity. Secure access to land often provides a valuable safety net as a source of shelter, food and income in times of hardship and a family land can be the available resort in the instance of disaster. Researchers and development practitioners have long recognised that providing poor people with access to land and improving their ability to make effective use of the land they occupy is central to reducing poverty and empowering poor people and communities. As such, access to land and security of tenure are necessary for poverty reduction and development<sup>16</sup>.

The international development for renewable natural resources and agriculture portrays the fact that security of tenure is one of the corner stones of the rights to adequate housing. Secure tenure protects people against arbitrary force eviction, harassment and other threats. Most informal settlements and communities lack legal security of tenure. Hundreds of millions of people currently live in homes without adequate secure tenure protection. Security of tenure is a key issue for the rural population. Land tenure security is also essential for peace although governing bodies in the world community have been slow to acknowledge the centrality of tenure injustice in triggering conflicts. Land tenure can be a mechanism through which the goals of gender equity, poverty reduction, efficiency and sustainable resource can

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<sup>14</sup> G. Oxfam, "Key Principles in Land Rights", *Land Rights in Africa*, Oxford university press, 2007, at [http://www.oxfam.org.uk/whatwedo/issues/lielihood/land\\_rights/key\\_principles.htm](http://www.oxfam.org.uk/whatwedo/issues/lielihood/land_rights/key_principles.htm), 27 July 2019 at 2:00pm

<sup>15</sup> International Land Coalition, *Why land?* Rome, ILC, 2007, p.11 at <http://www.landcoalition.org/aboutus/whyland.htm>, 27 July 2019 at 3:30pm.

<sup>16</sup> Food and Agriculture Organisation, *Governance in Land Tenure and Land Administration*, Rome, FAO, 2007, pp.5-6.

be achieved<sup>17</sup>. Cameroon's current land law appears to have two conflicting objectives; to attract foreign investors through large scale land acquisition while simultaneously protecting biodiversity, defending local people's right and promoting rural development. But the legislation governing large scale land based investments is outdated and sometimes incoherent.

The land allocation process is investor driven and does not appropriately balance economic, social and environmental considerations. The overlaps between the habitats, community land and recently established agro- industrial companies pose a threat to conservation efforts and community livelihoods<sup>18</sup>. This has been very peculiar in the upper Sanaga division where there has been a persistence increase in agro- industrial investments by multinational companies and political elites. These investments target lands governed by customary rights that are not adequately recognized and protected under national laws or sites where government investment, whether foreign or domestic, private or government-backed, plays a key role in financing agricultural growth.

The complexity of issues related to land and other resources, portrays that poorly conceived or executed investments, particularly those involving large tracts of land could have unintended negative impacts in terms of political stability, social cohesion, human security, sustainable food production, household food security and environmental protection. Responsible investments should do no harm, safeguard against dispossession of legitimate tenure right holders, environmental damage, and respect human rights. Such investments should be made working in partnership with relevant levels of government and local holders of tenure rights to land, fisheries and forests, respecting their legitimate tenure rights. They should strive to further contribute to policy objectives, such as poverty eradication, food security and sustainable use of land, fisheries and forests, support local communities, contribute to rural development; promote and secure local food production systems, enhance social and economic sustainable development, create employment, diversify livelihoods, provide benefits to the country and its people, including the poor and most vulnerable and comply with national laws and international core labour standards as well as, when applicable, obligations related to standards of the International Labour Organization.

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<sup>17</sup> A. Wily, *Land Rights Reforms and Governance in Africa*, Nairobi, UNDP, 2006, P.7, at [HTTP://WWW.undp.org/dryland/docs/publications/land\\_rightsreformsandgovernancein africa.pdf](http://www.undp.org/dryland/docs/publications/land_rightsreformsandgovernancein africa.pdf), 2 July 2020 at 12:00noon.

<sup>18</sup> S. Nguiffo, *Apes, Crops and communities : Land Concessions and Conservation in Cameroon*, Yaounde, Center for Environment and Development , 2019, at <http://pubs.iied.org/7710iied>

The current wave of large scale land acquisition in the Upper Sanaga Division by multinationals and elites can be explained by the 2007-2008 increased food prices, which made investors and governments turn to agriculture as the first sign to solve global financial crisis. The government encourages investors for new opportunities of agricultural investments in Cameroon. There are many strong factors driving the current push<sup>19</sup>. An important determinant is the global economy, which is expected to triple in size by 2050, demanding ever more scarce natural and agricultural resources<sup>20</sup>. The huge increase in demand for food need to be met by land resources that are under increasing pressure from climate change, water depletion, and other resource constraints. Squeezed by biofuel production, carbon sequestration, forest conservation, timber production, and non-food crops. Nearly three billion people live in areas where demand for water outstrips supply. In 2000, 500 million people lived in countries that were chronically short of water; by 2050, the number will have risen to more than four billion.

Production of non-food agricultural products is also expanding, from traditional goods, such as textiles, timber and paper, to modern products like biofuels and ‘bio-plastics’, in the face of climate change and the inevitable exhaustion of fossil fuels. The EU target obtaining 10 per cent of transport fuels from renewable sources by 2020, portraying pressure on land for biofuel production which constituting a major cause of food price rises and food insecurity. Land scarcity and volatility of food prices on the world market have led richer countries that are dependent on food imports to acquire large amounts of land elsewhere to produce food for their domestic needs. While some investors might claim to have experience in agricultural production, many may only be purchasing land for speculative purposes, anticipating price increases in the coming years. Land also provides a space for social,

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<sup>19</sup>ILC/CIRAD Forthcoming synthesis report on the Commercial Pressures on Land Research Project. The figures in this report are based on ongoing research by the Land Matrix Partnership . The partnership consists of the ILC, Centre de coopération internationale en recherche agronomique pour le développement (Cirad), Centre for Development and Environment (CDE) at University of Bern, GIGA at University of Hamburg, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), and Oxfam. Since 2009 they have been systematically collating information on large-scale land acquisitions worldwide. The dataset covers transactions that entail a transfer of rights to use, control or own land through concession, lease or sale, which generally imply a conversion from land used by smallholders or for ecosystem services to large-scale commercial use. It aims to shed light on six drivers that are contributing to a global rush for land, namely demand for food, fuel, timber, carbon sequestration, tourism and mineral exploitation. It now includes just over 2,000 deals from the year 2000 onwards. 1,100 to date are cross-checked with data derived from systematic national inventories of land deals based on in-country research that have been carried out by different institutions, alongside the increasing number of postgraduate and commissioned field-based research projects.

<sup>20</sup>Oxfam, “Land and Power: The Growing Scandal Surrounding the New Wave of Investment in Land” at [www.Oxfam.Org/grow](http://www.Oxfam.Org/grow) 2011.

cultural, spiritual, and ceremonial events, and as such is essential for sustaining the identity and well-being of a community and its members.

Many researchers have shown that secure access to or ownership of land is associated with significant reductions in hunger and poverty<sup>21</sup>. Large scale land acquisition supports a wide range of activities, both commercial such as mining, forestry and land concessions, hunting areas and non-commercial such as protected areas and infrastructure projects. Investments in natural resource use and land management in Cameroon are diversifying and intensifying, but it is often hard to determine the exact status of these projects, despite extensive media coverage of land concessions, reports about transactions that have been concluded and announcements regarding the intentions of the companies concerned<sup>22</sup>. These uncertainties not only make it difficult to understand the real nature and scope of large-scale land acquisitions in Cameroon, but could also hamper the introduction of effective measures to regulate land transactions and optimise land and resource use by different, possibly mutually exclusive interest groups. Thus, securing access to land in the upper sanaga division has been a call for concern with the allocation of vast tracts of land to multinational companies and elites in order to achieve the government vision of the second generation agriculture.

## **II. Large Scale Land Acquisition by Multinational Companies**

One of the most striking aspects of FDI in recent decades is the growing FDI in emerging economies, rising from a level of 20-30% of all FDI flows in the early 1990s to 30-40% in the mid 2000s. While the financial crisis has significantly reduced the absolute amount of FDI, in emerging economies it has continued to rise relative to total FDI, as growth in these countries is relatively high and as the need of Western MNCs to streamline their cost structures and access resources continue to drive FDI in Cameroon. Within the whole modernization imperative, large scale land investment on land, especially by foreign companies has been constructed as largely desirable and developmental with no adequate mechanisms for public interest protection. The current trends on LSLAs mostly in Cameroon illuminate the fragile nature of rights and governance systems characterized by disregard of the legal and institutional frameworks as well as impunity by those who wield power. In

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<sup>21</sup> L Cotula, *Land Grab or Development Opportunity? Agricultural Investment and International land Deals in Africa*, 2009, Rome and London, FAO, IFAD and IIED. <http://www.fao.org/3/a-ak241e.pdf>

<sup>22</sup> USAID, *Responsible Land-Based Investment: A Practical Guide for the Private Sector*. Washington, DC, United States Agency for International Development (USAID), 2014 (draft) <http://usaidlandtenure.net/content/e-consultation-responsible-land-based-investmentpractical-guide-private-sector>

perceiving land as a primary tool for economic development, the state has prioritised the rights of investors over its larger populace, with ghastly dispossession of the poor without adequate protection. In one instance the state has leashed terror on its citizens without any compensation in favour of investment. In contrast the people perceive land as a social right core to their identity enjoyed since time immemorial<sup>23</sup>.

Multinational companies have been involved in large scale land acquisition in the Upper Sanaga Division. The trend has increase with the global increase in the population and the need to enhance agricultural development in Cameroon. The government of Cameroon has adopted an economic policy aimed at attracting Foreign Direct Investments to drive the nation's growth. In the land sector, this objective was reflected in a Presidential Instruction intended to encourage large-scale agricultural investments in what was termed second generation agriculture which would in turn require reforms facilitating investors' access to land. At the agro-pastoral fair in Ebolowa in January 2011, the head of state asked for a land reform to be put in place as a matter of urgency. Large-scale land acquisitions in the upper Sanaga division are very diverse<sup>24</sup>. The players involved on the investment side include large numbers of foreign multinationals and Cameroon's elites. The global food crisis caused by the sharp rise in the cost of major food items, increasing production of biofuels and the uncertainties arising from the financial crisis led to the rush for agricultural land by multinational companies in the upper Sanaga division. There are diverse multinational companies in the upper sanaga division that are involved in different primary activities like forest exploitation, quarrying and agriculture. We are going to focused on multinational companies that have acquired vast tracts of land for agricultural investments.

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<sup>23</sup> E. Rugraff and Micheal Hansen, *Multinational Corporation and Local Firms in Emerging Economies*, Nltherlands, Amsterdam university press, 2000,p.30.

<sup>24</sup> S. Nguiffo, *Apes, Crops and communities : Land Concessions and Conservation in Cameroon*, Yaounde, Center for Environment and Development , 2019 at <http://pubs.iied.org/7710iied>

**Table 7. List of Agro- Industrial Investments in the Upper Sanaga Division**

N°	NAME	LOCALITE	MAJOR PRODUCTION	HACTARES OF LAND
01	JARDIN D'EDEN	MINTA	COCOA	500
	BIO 1	MINTA	MAIZE	250
02	CHAMP ET ELEVAGE D'AFRIQUE	NANGA EBOKO	AVOCADO, COCOA,PLANTAINS	1000
03	IKO	NANGA EBOKO	CASSAVA,RICE,MAIZE	2000
04	COOP CAMPO	NKOTENG	MAIZE	300
05	KOUSEL	MBANDJOCK	MAIZE	500
06	WEST END FARM	MBANDJOCK	MAIZE	500
07	AGROINDUSTRIAL COMPLEX OUASSA BABOUTE	NKOTENG	EGUSI, MAIZE, PLANTAINS,COCOA	2000
08	SOSUCAM	MB/NK	SUGAR CANE	25000

Source: Archives Divisional Delegation for Agriculture and Rural Development

The table six above indicates the list of agro- industrial investments in the upper sanaga division that have acquired vast hectares of land for investments. The above Agro- industries are national companies and foreign companies that have acquired hectares of land for investment<sup>25</sup> . In our work we shall focused on multinational companies in the locality; IKO and SOSUCAM that are foreign companies but have signed concessions with the state to acquire vast tract of land for foreign direct investment. Agricultural investments are adding to the growing pressure on land in Cameroon.

After the rapid development of agro-industrial plantations during colonial period, there was a relative slowdown in investment in this sector when the state became the main plantation owner after independence. It then ceded part of its shares in agro-industrial plantations to private, mostly foreign, companies as a result of the structural adjustment programme. Cameroon does not have a national land-zoning plan that divides the available arable land into spaces for agro-industrial activities and or for small-scale farmers<sup>26</sup>. Furthermore, the long-term leases negotiated by these agro-industrial enterprises give them more stable and better protected rights than small farmers and indigenous populations, who

<sup>25</sup> Interview with Mukong Devine, Aged 40, Agriculture Engineer, Divisional Delegation of Agriculture and Rural Development,, Nanga Eboko, 20 December 2019.

<sup>26</sup> Interview with Samuel Nguiffo, Aged 50, Director Center for Environment and Development, Yaounde 20 January 2019

do not usually hold rights to the land that they occupy. The land needed for large projects, especially agro-industrial initiatives, is mainly located in rural areas.

Over 70 per cent of this land is not recorded on the land register, and a large proportion of it is used by rural people who only have use rights. Therefore, it is extremely important to investigate acquisitions and investments in the agro-industrial sector and gauge their possible impact on development in Cameroon. Investors have shown a growing interest in agricultural land in Cameroon since 2005, when the first wave of foreign investors came looking for land for biofuels and projects to grow jatropha, which never materialised. As food prices rose sharply in 2008, certain countries decided that the best way of ensuring their long-term food security was to take control of arable lands in other countries, prompting an upsurge in investments in the agricultural sector that shows little sign of slowing down. This has been peculiar with the Iko company in Nanga Eboko that was granted 2000 hectares of land in Nanga Eboko for Agro- industrial investments.

#### **A. The Sino- Cameroon Iko Agriculture in the Upper Sanaga Division**

Chinese Iko company was one of the companies involved in large scale acquisition of land in Cameroon for agricultural investments. Farmlands have become important targets for a growing number of foreign investors today. Investors seek to focus on the production of agricultural commodity to meet the growing global demand for food. China is often singled out as one of the countries that have invested on agriculture in Africa and Cameroon in particular. According to the World Bank statistics, there are 86 Chinese projects in Africa covering about 8.3million hectares of agricultural land<sup>27</sup>.

After several decades of self-reliance, China since the mid-1970s progressively opened up to the rest of the world. In 1999, China adopted the “Go Global policy” which was aimed at encouraging Chinese enterprises to begin investing overseas. This policy has contributed to china’s emergence as a global economic power. Today china is one of the cherished development and financial partner of many African countries and Cameroon in particular. The forum for China- Africa cooperation (FOCAC) was established in 2000. During the 2006 edition, China gave as assistance 20 billion us dollars to target infrastructure in Africa for a period of five years. The forum is now an important platform for dialogue

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<sup>27</sup>C. Alden, *China in Africa*, London, Oxford University Press, 2009, p. 6.



where key discussions on investments are made by the Chinese government and African leaders<sup>28</sup>.

In Cameroon, after the establishment of diplomatic and economic ties between Cameroon and China in 1971, China has progressively placed itself at the forefront of developments. The recent national development strategy as detailed in the “vision 2035” documents and the growth and employment strategy paper (GESP) provides justification for huge investments in Cameroon to enhance economic growth and development in Cameroon<sup>29</sup>. The Chinese companies are greatly involved to see Cameroon attain this vision in the agricultural sector. Still in line with the vision 2035, the government of Cameroon embarks on the second generation agriculture with the mechanization of agriculture to increase the output and boost agricultural production in Cameroon. As a result, to strengthened Sino Cameroon diplomatic relations, the republic of China signed an agreement with the Cameroon government to improve on agricultural production in Cameroon.

The first Chinese agricultural investments announced in Cameroon was the establishment in 2006 of the Sino-Cameroon joint venture, called Sino Cameroon Iko agriculture, that would exploit 10,000 hectares of land leased for 99 years from the Cameroon government. The plans were to cultivate rice, cassava, maize and other agricultural products on 2000 hectares in Nanga–Eboko in the Centre region’s Haute-Sanaga division, 170 km from Yaoundé. It was estimated at \$120 million, the project was to be financed by FOCAC funds via the Exim Bank<sup>30</sup>.

In Nanga Eboko, preliminary 120 hectares has been used to test various varieties of rice, cassava and maize. Sixty Chinese and 100 Cameroonians have engaged in the experimentation of rice, cassava and maize. Part of the labour allocated for the construction of an agricultural training center to train the rural communities in the modern methods of production and mechanisation of agriculture. In the concessions signed in 2006; the government of Cameroon gave 2000 hectares of arable land to be cultivated for a period of 99 years. The company have involved in large scale land acquisition which have greatly affected

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<sup>28</sup>H. Dureel, “ Chinese Investments in Cameroon: Examining the Trends, Challenges and Perspectives on the Environments and Communities, A Report WWF CCPO September 2014, p. 15.

<sup>29</sup>Jean-Bruno Tagne, “Enquête sur la riziculture chinoise-a-nanga-eboko,”<http://camerooninfo.net/stories/0,27126,.html>.accessed on 15 May 2016. 10:15am.

<sup>30</sup>M. Tsounkeu and Durrel Halleson. “Chinese Investments in Cameroon: Examining the trends, challenges and Perspectives on the Environments and communities”. *Cameroon Report World Wide Fund for Nature* , Cameroon, September 2014, P.26.

the rural communities<sup>31</sup>. The location in Nanga Eboko was because of some geographical factors like the landscape and presence of navigable rivers like the Sanaga river which provides water to the rice, cassava and maize farms. Land acquired by this company was classified under the national domain land with no land titles and the state the custodian of land under the national domain. Consequently, the local communities utilized this land for subsistence agriculture, hunting, gathering of fruits and ancestral sites. The rural population in utilizing land under the national domain claim customary ownership of the land which is not legally protected by the land law.

## **1. The Sino- Cameroon Relations**

In 1971, when Cameroon opened relations with the People's Republic of China, the two states started signing agreements to strengthen the relations. Many agreements have been reached by the two states one of these agreements was the Sino Cameroon Iko agriculture to promote agriculture in Cameroon.

### **1.1. Development of the Relation**

In 1960 when French Cameroon gained independence and eventually reunify with British southern Cameroon in 1961, Cameroon established diplomatic relations with the Republic of China (Taiwan). Relations between Cameroon and the People's Republic of China (PRC) started in 1971, after Cameroon shifted from diplomatic relations with Taiwan that lasted for 10 years. On the 26 of March 1971, Cameroon established diplomatic relations with China. The two countries have signed a series of agreements that have contributed to the development of Cameroon. Cameroon intends to use its bilateral cooperation with China to achieve the goals in its new development strategy, now embedded in the national Growth and Employment Strategy Paper (GESP) with the time frame vision of 2025 with the ambition to become a “united emerging diversified and truly democratic Country” and the vision 2035 of Cameroon becoming an emerging nation<sup>32</sup>.

During the cold war period in the 1960's ,Cameroon opted for the policy of non – alignment which the country avoided taking side with neither the Western capitalists led by the United States of America( USA) and the East communist block led by the Union of Soviet Socialist Republic( USSR).Cameroon therefore decided to develop relation with both

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<sup>31</sup> Ibid, p.27.

<sup>32</sup>W. Embezok “China presence in Cameroon: Winners and Losers in the Chinese Cameroon Cooperation”, Memoire. Univresity of stockborn Paris, International Affairs, HEI, 2010, p. 41.

the capitalist and the communist world to show clearly her policy of non-alignment<sup>33</sup>. After the independence of Cameroon and eventual reunification, Cameroon opened relations with capitalist USA in 1963 and China a communist state in 1971 to demonstrate her policy of non-alignment<sup>34</sup>. The People's Republic of China since 1971 have maintained her relations with Cameroon. The relations between two states have been beneficial as China has contributed greatly in the development of Cameroon.

## **1.2.. New Development Strategies and Cooperation with China**

The decade prior to 1986 was a period of prosperity for Cameroon, with a booming economy yielding foreign exchange revenue from petroleum, cocoa and coffee. The annual average growth based on the Gross Domestic Product (GDP) was 7%, from the late 1970s through 1985. After this period, the country witnessed an economic crisis, characterized by a dramatic fall in foreign exchange revenue, due to a decline in the world prices of oil, cocoa and coffee, and because of diminishing supplies of oil. From 1987-1993, average annual Gross Domestic Product (GDP) variation was negative (-2.8%). In 1989, the prices of cocoa and coffee paid to farmers were halved whilst subsidies were reduced and eventually cancelled. The economic crisis increased the level of poverty (40.2% in 1996) which led to rural exodus. A positive growth for almost a decade (4% from 1994-2003, 2% in 2005, 3.8% in 2006) has not been high enough for a significant impact on poverty reduction.

Poverty level was in stagnation and still estimated at about 40% in 2009, from 40.2% in 2001. Poverty level was still estimated at about 40% in 2009, and from successive evaluations by the Ministry of Economy, Planning and Regional Programming (MINEPAT) in collaboration with the UNDP, the country could not achieve the Millennium Development Goals (MDGs) by 2015, despite some progress in education and gender<sup>35</sup>. As a result, the new development agenda Vision 2035 was put in place by the Cameroon government. Cameroon went through a Structural Adjustment Programme in the period 1987-1997, with the World Bank and the International Monetary Fund (IMF). Afterward, external debt remained unsustainable with debt stock totaling US\$ 7802 million in nominal terms by end of June 1999. A Poverty Reduction Strategy Paper (PRSP) was designed for implementation as from 1997, after validation by the Bretton Woods Institutions, within the framework of the

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<sup>33</sup> V. J. Ngoh, *History of Cameroon since 1800*, P.272

<sup>34</sup> "Chinese Investments in Cameroon: Examining the Trends, Challenges and Perspectives on the Environments and Communities", *Cameroon Report World Wide Fund for Nature*, Cameroon September 2014, pp. 49 – 51.

<sup>35</sup> See Jean Paul Pougala, *Les Plus Gros Mensonges sur la Coopération entre la Chine et l'Afrique*, July 2013 in <http://pougala.org/tag/jean-paul-pougala/> accessed on 29/04/2019 at 4:30pm

Highly Indebted Poor Countries (HIPC) initiative to which Cameroon was admitted in May 2000. HIPC decision point was attained in October 2000 and the completion point in April 2006. The impact of the Heavily Indebted Poor Countries Initiative (HIPC) and the Multilateral Debt Relief Initiative (MDRI) resulted in a marked improvement in Cameroon's debt position.

The public debt to GDP ratio declined from 52 percent in 2005 to 10 percent in 2008. Since 2008, however, domestic and external borrowing has been rising again. During the past years, Cameroon has faced a wide range of challenges including growing unemployment, poverty, lingering corruption, public mismanagement, fragile sociopolitical environment and low pace of democracy implementation through, operationalization of relevant institutions<sup>36</sup>. In fact, despite visible efforts, the putting in place of all institutions constitutionally supposed to accompany the democratization process. In Fe 2008 the high cost of living resulted in social unrest due to the financial and food crisis. In response to economic and social challenges, considering the lack of success by previous development strategies, Cameroon encourages Foreign Direct Investment especially on agro- industrial companies to boost food production.

The Growth and Employment Strategy Paper (GESP) was the first stage of that vision aiming at making Cameroon a united, emerging, diversified and truly democratic country. The pillars of this new strategy were; poverty alleviation; becoming a middle-income country, becoming a newly industrialized country and consolidating democracy and national unity while respecting the country's diversity. The Cameroon development strategy was anchored on the following strategic pillars: Increased investments in infrastructure and rapid modernization of production, by improving the business climate and governance; Maintaining growth at high levels, in order to achieve the Millennium Development Goals and ensure that the population is entirely mobilized in the fight against climate change effects; Improvement of international cooperation by opening Cameroon more to the outside World and relying on its production and export pattern essentially based on industries, and facilitating a better financial system that can mobilize domestic and foreign funding as well as a promotion of the private sector.

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<sup>36</sup> The more recent and important evaluation of MDGs achievement was made during the Post 2015 sub-national and national consultations in Cameroon (April – May 2013), which resulted in a Post 2015 National position report submitted to the UN in September 2013.

Cameroon was among the countries chosen by the United Nations for national consultations on the Post 2015 that took place during the year 2013. Four major development priorities were identified by Cameroonian populations: education, health, employment and environment. These were considered to be achievable only if a number of crosscutting issues are addressed: Human Rights, gender, good governance and infrastructure<sup>37</sup>. In 2014 another phase of consultations was organized by the UN system in collaboration with the Ministry of Economy, Planning and Regional Programming (MINEPAT) on the localization of the post 2015 development agenda, in a view to determining the best mechanisms to ensure transformational changes and better delivery of development services.

### **1.3. International Cooperation Strategy and Relationship with China**

There is an emerging trend in the economic dynamics of the relationship between China and Cameroon, which are defined within a broader Chinese policy framework, aiming at accelerating the opening of the Chinese economy to the outside world, to introduce foreign technology and know-how as well as to develop foreign trade and secure political alliances. This new Chinese policy orientation is spelt out in the Chinese government's go global strategy meant to encourage Chinese enterprises – primarily state-owned enterprises to invest overseas. Chinese imports are observable on the Cameroon local market, through a great number of Chinese trading companies.

However, this study emphasized on Chinese agro- industrial sectors. Cameroon's national development strategy as detailed in the Vision 2035 Document and the Growth and Employment Strategy Paper (GESP) provides justification of huge investments in the agro-industrial sector. China is currently financing at least a dozen projects in that line, ranging from the construction of low-cost houses, hydropower dams, installation of optic fibres, double carriage highways, seaports, hospitals, schools and stadia. In the natural resources sector, Chinese firms are involved in iron ore exploration in Kribi and interested in the exploitation of nickel and cobalt exploitation in Lomié, following the purchase in July 2013 of 60,5% of the USA GEOVIC Mining shares of the Cameroon Cobalt mining project by the Chinese provincial state corporation, Jiangxi Rare Metals Tungsten Holdings Group Company Ltd (JXTC)<sup>38</sup>.

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<sup>37</sup> W. Embezok "China Presence in Cameroon: Winners and Losers in the Chinese Cameroon Cooperation". Memoire of Political Science, University of stockborn Paris, International Affairs, HEI, 2010, p. 44.

<sup>38</sup> P. Pougala, « Cooperation between Africa and China, Lesson 58 of African Geostrategy, July 2013 » [http://pougala.org/wpcontent/uploads/2013/12/Lecon\\_58](http://pougala.org/wpcontent/uploads/2013/12/Lecon_58), visited on 29 May 2014.p.20.

### **1.3.Chinese Foreign Direct Investment (FDI)**

The Chinese direct investments relate to cases where China takes direct interest in businesses or projects in Cameroon. In that pattern, financing from Chinese sources is invested and generally accompanied by operation by a Chinese public or private entity, with or without Cameroon national contribution. Most of the time, the setting is such that the Exim Bank provides a loan in an agreement structure, whereby operations are under a Chinese company which runs the business or the project. A number of examples exist in that line, particularly in the extractive sector. Some glaring cases of such investment types include: the SINOPEC's takeover of ADDAX Petroleum for offshore oil exploitation in Cameroon; SINOSTEEL for exploration of iron ore permit situated at Mont Mamelles near Kribi and, within the periphery of the Campo Ma'an National Park; Yang Chang Logone Development Holding Company, with two onshore oil exploration permits in the Northern part of Cameroon. Chinese companies operate in implementing government identified projects, which need not necessarily be financed by China. For example within the context of an African Development Bank funded project (Yaoundé Sanitation Project – PADY) the China International Water and Electricity Corporation (CWE) won the bid to construct the Mfoundi River Canal.

The same company is responsible for the construction of the Lom Pangar hydropower dam project under the supervision of “Coyn and Bellier”<sup>12</sup>, which is funded through a consortium of international financial institutions (IFIs); the African Development Fund (ADF 17.0%); the Development Bank of Central African States (BDEAC 10.5%); the World Bank (WB 20.8%); the French Development Agency (AFD 22.1%); the European Investment Bank (EIB 11.0%); the Government of Cameroon Counterpart Contribution (18.4%) and others (0.2%)<sup>13</sup>. Another case in that pattern is the building of some 1500 low-income housing units in Yaoundé, thanks to Chinese loans (China Exim-Bank) under a concessional scheme through an agreement signed in 2010 with the Ministry of Urban Development and Housing. That construction project is part of the government's Special Emergency Programme to build 10,000 homes and develop 50,000 plots of land<sup>39</sup>.

### **1.4. Chinese funded development projects in Cameroon**

Cameroon and China signed a general trade agreement in 1972. Some of the major realizations from this agreement included the construction of the Yaoundé Conference Centre

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<sup>39</sup>*Cameroon Tribune* No 8781/4980 of Friday, February 2, 2007

inaugurated in 1982 by President, Amadou Ahidjo and the Unity Palace, which is the official resident and office of the President of the Republic. Another grant agreement from China was dedicated to the construction of the Lagdo water reserve dam in Northern Cameroon, from 1978 to 1984. Generally, in the period before 2000, China's involvement in the economy was at small scale, in isolated initiatives. In the commodity production sector for instance, it was limited to the forestry business by some local actors financially supported by Chinese importing companies. After 2000, the engagement extended to other sectors, especially in the infrastructure sector and also in sectors like oil and mining. Chinese companies involved in the extractive sector SINOSTEELCAM S.A with an iron ore exploration permit in the South, Yan Chang Logone Holding Development Company S.A for oil exploration in the north and SINOPEC ADDAX Petroleum for oil exploitation in the Rio del Rey basin<sup>40</sup>. In the infrastructure sector, Chinese companies have taken the lead in the construction of some of the major infrastructure projects earmarked in the national development Vision of 2035 and the Growth and Employment Strategy Paper (GESP). These include the Kribi Deep Sea and Industrial Port Complex constructed by the China Harbour and Engineering Corporation (CHEC), the Memve'ele, Mekin and Lom Pangar dam projects constructed respectively by SINOHYDRO (for Memve'ele and Mekin) and the China International Water and Electricity Corporation (CWE) for Lom Pangar.

Chinese companies have also taken lead in the construction of some of the country's modern sport infrastructures like the Yaoundé multisport complex, inaugurated in 2009 by President Paul Biya, which was built by a Chinese company with a 14 billion FCFA grant from the Chinese government. Other projects in the pipeline with already indicated Chinese participation interests include the 72 megawatts Menchum Hydropower dam and the construction of Kribi Lolabe double carriage highway by the China Harbor Engineering Company (CHEC). Other awarded projects to Chinese companies include the Yaoundé Nsimelen freeway to be constructed by a consortium of Chinese companies (the China Communications Construction Company, the China Road and Bridge Corporation and SINOHYDRO), as well as the Yaoundé – Douala double carriage highway to be constructed by China First Highway Engineering Corporation (CFHEC). Projects at an advanced stage with Chinese participation include the Ngaoundere – Kousseri highway being constructed by SINOHYDRO.

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<sup>40</sup>G. Alemayehu, "The Impact of China and India on Africa: Trade, FDI and the African Manufacturing Sector: Issues and Challenges". A Framework Paper for AERC Project on "The Impact of Asian Drivers on Sub-Saharan Africa".2006,p.20.

The Kumba – Mamfe road which is part of the trans-African highway to link Cameroon with Nigeria, estimated to cost about 54.6 billion CFA Francs and to be constructed by the China Communications Construction Company (CCCC) and the Jiangsu Provincial Transportation Engineering Group. Apart from road and dams, China has also contributed in modernizing Cameroon's modern telecommunication sector. Some notable areas include the building of CT phone networks in collaboration with the Cameroon Telecommunication Company (CAMTEL)<sup>41</sup>. In the social and health sectors, China has contributed in the financing and construction of hospitals like the Douala Gynecological, Obstetric and Pediatric Hospital in Douala. the renovation and completion of the abandoned Ministerial Building Number One in Yaoundé; the Soa-Yaoundé solar panel project; and the low cost project in Yaoundé and Douala which is part of a Government larger low cost housing project comprising of 1800 housing units distributed, in Yaoundé, Limbe, Bafoussam, Bamenda and Sangmelima.

There are other areas that have attracted Chinese investments in Cameroon and one of such sectors is the agricultural sector especially in the domains of rice, cassava, oil palm, cotton and rubber. Shaanxi State Farms through its subsidiary Sino - Cam IKO Ltd has a land bank of 2,000 hectares to develop its agricultural operations in maize, rice and cassava and possibly ostrich breeding in the Upper Sanaga Division (Centre Region). The company signed a US\$ 120 million investment agreement with the government of Cameroon in 2006 to acquire an existing 120 hectare rice farm and develop a further 1800 hectares for the cultivation of cassava, rice and maize in NangaEboko<sup>42</sup>. Another important Chinese investor in the agricultural sector in Cameroon is SINOCEM. The company through its 51% owned subsidiary GMG Global in Singapore, owns two plantations in Cameroon - Sud-Cameroun HEVEA SA (80% owned) and HEVECAM SA (90% owned). HEVECAM was already set up near Kribi in the 1970s with support from the World Bank and produces 50,000 tons of rubber on acreage of 41,000 ha. Sud-Cameroun Hevea was set up in 2010 and is developing a rubber and oil palm plantation with an acreage of 45,200 ha in Dja & Lobo division.

In November 2011, GMG signed a contract with the government of Cameroon to invest US\$ 400 million in developing this acreage<sup>43</sup>. In the oil sector, the Cameroon National Hydrocarbon Corporation in April 2009 signed a US\$18 million Partnership Sharing

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<sup>41</sup> S. Khan and Francis Menjo Baye, China- Africa Economic Relations: The case of Cameroon, A Report submitted to the African Economic Research Consortium, 2008, p.21.

<sup>42</sup> Jean-Bruno Tagne, "Enquête sur la riziculture chinoise-a-nanga-eboko," <http://camerooninfo.net/stories/0,27126,.html>. accessed on 15 May 2016. 10:15am.

<sup>43</sup> Jan Willem van Gelder et al., "Biodiversity Impacts of China in Africa: Selection of Case Studies", A Research Paper Prepared for WWF, PROFUNDO September 2013.



Agreement (PSA) with Yan Chang Logone Holding Development Company S.A for oil exploration on two onshore oil blocks (Zina and Makari) in northern Cameroon situated inside the Waza Logone Plain, a RAMSAR designated wetland. According to Jan Willem van Gelderl, “Biodiversity Impacts of China in Africa: Selection of Case Studies” A Research Paper Prepared for WWF, PROFUNDO September 2013 In the forestry sector, the only related Chinese company actively involved is the Hong Kong based Sino French Company VICWOOD Group<sup>44</sup>. This company operates seven Forest Management Units (FMUs) in Cameroon through its different subsidiaries CFC, SAB, CIBC, and SEBC. These subsidiaries globally cover an estimated total area of 429,069 hectares which is equal to 7.6% of the total forest concession areas in Cameroon<sup>45</sup>.

### **1.5. Governance within Cameroon and Chinese engagement**

Since the mid-eighties, the economic performance of Cameroon has been relatively low. Cameroon, however, remains the bread basket for countries in the central African Sub region, but its production is still at a level much below the potential of the country. Poverty has been on the increase within a population growing at an annual rate of 2.8 %.However, this situation has facilitated us to understand that the Chinese engagement has not been clear as their impacts of assisting Cameroon had rather been boosted by their new general intervention and strategy in Africa. The availability of detailed information to the Cameroonian public on the engagement of China could be a matter of concern. Although agreements are announced in the news, it is not easy to get access to details on these. The degree of transparency and accountability on most Chinese agreements is very low, because information from the Chinese end is generally generic without much detail.This lack of transparency is not just limited to Chinese agreements, it extends to agreements with other donors but with the difference that information that cannot be gotten from the Cameroonian side is most of the time accessible from the donor’s end.

### **1.6. Political Legitimacy and the Chinese Development Assistance**

There is no specific issue of political legitimacy with regard to Chinese Development assistance in Cameroon. All the agreements signed between China and Cameroon are endorsed by the National Assembly and are in line with the political options of the moment, including the recognition of the One China principle, which is the main political string that China attaches to its development assistance in Africa. There may be some grumbling within

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<sup>44</sup>*Ibid*, p.32.

<sup>45</sup>*Ibid*, p.34.

the Cameroonian population about the Chinese invading Cameroon. In fact, part of the jobless youth blame the Chinese for invading some areas where locals tried their small businesses before that invasion, because cheap goods from China sold in Chinese shops for instance had led to tough competition. The fact that Chinese assistance is not attached with strings of policy reform is considered by some to be detrimental to the Cameroonian population, because it undermines efforts to strengthen transparency, good governance and maintenance of social and environmental standards.

### **1.6. Major Agreements**

From 1971 to 1999, Sino-Cameroonian relations were mainly driven by Beijing's willingness to increase the number of its diplomatic allies and showcase its solidarity with the third world to a lesser extent, Cameroon non alignment policy and hopes to loosen France's dominating influence on Cameroon's economy and foreign affairs. Major agreements signed since 1971 includes the general trade agreement signed in 1972, agreement of reciprocal protection and promotion of investments and agreement of economic and commercial cooperation in 1997. These agreements enable Chinese enterprises to participate in the socio- economic development of Cameroon<sup>46</sup>.

However, the turning point in the Sino-Cameroonian relations was at the first Forum on China–Africa Cooperation (FOCAC) held in Beijing in 2000. Since that summit, bilateral trade and economic cooperation projects have rapidly increased and China's presence in this country has substantially deepened and diversified. In the same year, a China Trade Promotion Centre was created in Douala and in 2002, Prime Minister Zhu Rongji visited Cameroon and signed an ambitious agreement for economic and commercial cooperation, a framework accord specifying Chinese willingness to offer grants and loans to Cameroon as well as giving orientations to boost commercial exchanges. In 2007, eight agreements were signed worth \$129 million, increasing technical and economic cooperation. In 2010, China Political People's Consultative Conference Chairman led a parliamentary delegation that allowed the signature of an additional eight cooperation agreements, including a 3.2 billion CFA (\$6.4 million) grant and an interest-free loan to enhance infrastructural development<sup>47</sup>.

On the Cameroonian hand, the year 2000 was perceived as a turning point. From the beginning, Yaoundé played a very active role in the FOCAC, using this forum as a platform

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<sup>46</sup> J. P. Cabestain, "China- Cameroon Relations: Fortunes and Limits of an Old Political Complicity" Hong kong Baptist University, *South African Journal of International Affairs*, 2015, p. 3.

<sup>47</sup> A. Khan, "The emergence of China and Cameroon: Trade Impact and Evolution of Trade Configuration", Dakar, CODESRIA, 2014, p. 99.

for promoting Cameroon's role in Sino-African relations as well as a closer bilateral partnership with Beijing<sup>48</sup>. Cameroon in response to the economic and social challenges adopted development strategies detailed on the GESP and vision 2035.

The pillars of these new strategies were poverty alleviation, becoming an industrialized nation, becoming a middle class country and consolidating democracy and national unity while respecting the countries diversity. The development strategies were based on increased investments in infrastructural developments and rapid modernization production by improving the business climate and governance, maintaining a high level of growth in other to achieve the millennium development goals and above all improvement in international cooperation by opening Cameroon to the outside world. Today, China has become Cameroon's main external creditor. The needs and interests of the population have been key drivers of this new privileged partnership between Cameroon and China .China has been one of the key countries to enhance Foreign Direct Investments in Cameroon and above all Economic Growth and Development of the country.

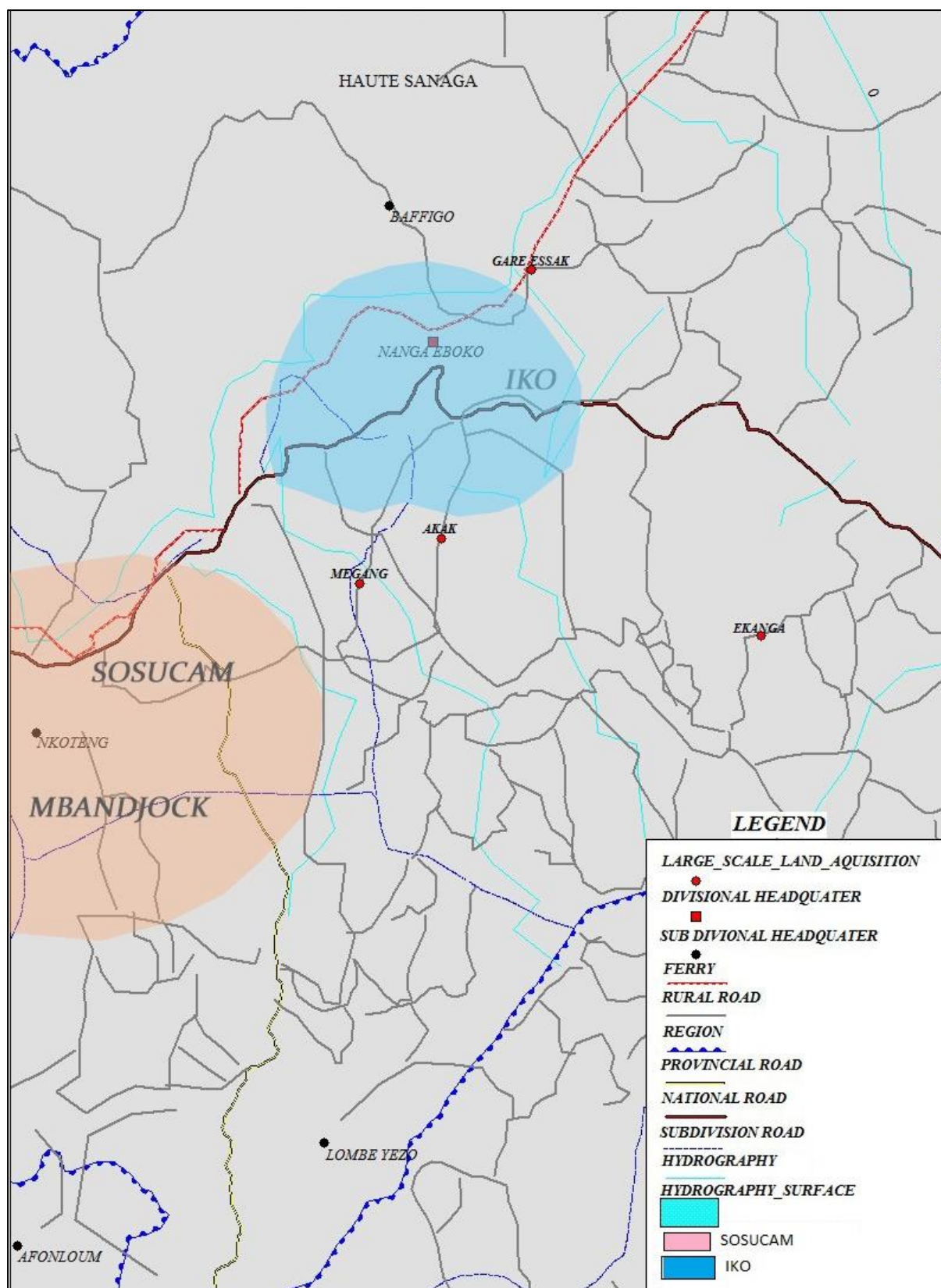
The Sino-Cameroon Iko agriculture agreement signed by the Cameroon government and the People's Republic of China in 2006 was to operate in Nanga Eboko. Nanga Eboko is located in Upper Sanaga division of the Centre region of Cameroon .It is the administrative headquarters of the Upper Sanaga division and one of the biggest sub division in the Upper Sanaga division. Nanga Eboko is situated in the central plateau 170 km away from the city of Yaounde with fertile alluvial soils good cultivation of tubers and cereals<sup>49</sup>.

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<sup>48</sup>P. Gaillard, *Amadou Ahidjo Patriote et despote, Batisseur de l etat Camerounais*, Groupe Jeune Afrique, Paris, 1994, pp. 173-174.

<sup>49</sup> C. Nforgan , “Cameroon-Chinese-Rice-Cultivation-challenges”, [http:// climate reporter/2016/15/stress-uploads/htm](http://climate-reporter/2016/15/stress-uploads/htm) 5 August2017 11:30am.

**Map 3: Map indicating areas of large scale land acquisition by multinational companies in the upper Sanaga Division**



Source: National Institute of Cartography

## B. China Agriculture in NangaEboko

Before the signing of the Sino- Cameroon Iko agriculture in 2006, the Taiwanese were already present in part of the land concessions granted to the Sino Cameroon Iko agriculture. After independence and eventual reunification of Cameroon, Ahidjo opened diplomatic relations with the Republic of China that is Taiwan. In 1964, Ahidjo allocated land to the Taiwanese to engage in the cultivation of agricultural products precisely in Nanga Eboko<sup>334</sup>. This was mainly to boost agriculture and improve on food production in Cameroon. The Taiwanese in Nanga Eboko focused on the cultivation of rice and watermelon. Their activities greatly improved on the living conditions of the local communities as many people learn how to cultivate rice and watermelon from the Taiwanese who introduce the cultivation of rice and watermelon in Nanga Eboko. Many people in Nanga Eboko are engaged in the cultivation of watermelon thanks to the efforts of the Taiwanese as watermelon was introduced in the locality. Today Nanga Eboko is one of the main areas in Cameroon that supply the major cities with watermelon and many people earned their living from the cultivation of watermelon<sup>335</sup>. When the Taiwanese left Cameroon in 1973, individuals opened their farms and continued with the cultivation of watermelon. As for rice, the Taiwanese also recorded a great success in Nanga Eboko as individuals developed their rice farm to enhance the cultivation of rice though it was not effective like watermelon<sup>336</sup>.

In 1971, Cameroon shifted diplomatic relations from the Republic of China (Taiwan) to the People's Republic of China. As a result, in 1973 the Taiwanese left Nanga Eboko and in 1974 the government of Cameroon continued with the production of rice and watermelon in the locality precisely in the same piece of land that the Taiwanese were using<sup>337</sup>. This was in line with Ahidjo's five year development plan during this period to increase in the production of agricultural products in order to achieve his policy of self-reliance and plan liberalism<sup>338</sup>. The government of Ahidjo with its vision on mechanized Agriculture that is using machines to carry out farming created the National Center for Studies and Experimentation on Agricultural Machinery (CENEEMA) in 1978 under the ministry of Agriculture to revolutionize agriculture<sup>339</sup>. This program was led by French agricultural experts. The center trains farmers on the use of heavy and light agricultural machines like tractors,

<sup>334</sup> NAY, 240/1970/ archives, China in Cameroon, 1965.

<sup>335</sup> Interview with Atangana Assamba Sameulle, Aged 75, former worker in the Taiwanese farm, Nanga Eboko, 03 August 2019.

<sup>336</sup> Interview with Seme Joseph, Aged 73, representative of the chief of Gare, Nanga Eboko 03 August 2019.

<sup>337</sup> Interview with Ebane Noh Nicol, Aged 34, Trader, Nanga Eboko, 20 August 2019.

<sup>338</sup> E. Tambi and Brain, *A History of the Cameroon*, London 1974, p. 101.

<sup>339</sup> I AC 027 CENEEMA Agriculture in Nanga Eboko, 1980.

harrows, fertilizer applicators, ploughs and maize planters. CENEEMA was allocated the land formally used by the Taiwanese in Nanga Eboko. They focused on the cultivation of watermelon, rice and tomatoes<sup>340</sup>. CENEEMA created a great impact to the people of Nanga Eboko in that the company trains many agriculturalists in the cultivation of tomatoes in the locality. Today, a tomato is one of the main perishable products cultivated in the locality which is sold in the local and urban markets<sup>341</sup>. Many individual farmers have engaged in the cultivation of tomatoes which has generated income to the producers and has equally ameliorated their living conditions. In 1989, with the economic crisis and the structural Adjustment program, the center collapsed and the land was left vacant though still under state control<sup>342</sup>.

In 2006, the government signed the Sino – Cameroon Iko agriculture which gave land concession to the Chinese Iko company in Nanga Eboko 2000 hectares. The portion of land that was used by the Taiwanese government and CENEEMA was part of the land concessions granted to this company to be involved in the experimentation of crops mainly cassava, rice and maize.

### **1. The objectives of the Sino - Cameroon Iko Agriculture**

The partnership agreement was signed between the Ministry of Agriculture and Rural Development and the Integrated Industry-Commerce Corporation of the Shaanxi Land Reclamation and State Farms in 2006. According to the agreement the latter was granted 10,000 hectares of land for the experimentation, production, processing and marketing of agricultural products<sup>343</sup>. According to the ministry of agriculture, a major offshoot of the partnership agreement was the creation of the subsidiary of the Shaanxi Company in Cameroon under the name Sino-Cam Iko Agriculture Development Cooperation limited to engage in the experimentation, production and, processing and marketing of rice under the auspices of the Chinese Iko company. In the agreement China urged to support Cameroon's push for self-driven, sustainable agriculture and also supports and protects the interest of local farmers. The agreement was to add value to the country's second generation agriculture

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<sup>340</sup>Interview with Ekanga Ekanga Edmon, Aged 42, Trader, Nanga Eboko, 20 August 2019.

<sup>341</sup> Interview with Mangwa Emmanuel, Teacher, Aged 69, Nanga Eboko, 19 August 2019.

<sup>342</sup>Peter Carmody, *Constructing Alternatives to Structural Adjustment in Africa: Review of African Political Economy*, London, Routledge, 1998, p. 46.

<sup>343</sup>Doborah Braitigam, "Green Dreams: Myth and Realities in China's Agricultural Investments in Africa". Available at <http://www/ForeignDirectInvestment/MG/2000>, access on 24 October 2016, 11.00am.

launched by the government since 2010 and the mechanization of agriculture in Cameroon<sup>344</sup>. The objectives of the agreement will be examined in our subsequent discussions.

The second generation agriculture and the mechanization of agriculture was one of the main objectives of this agreement. Chinese expertisewere to transfer technology on the mechanization of agriculture to the local communities in Nanga Eboko. This was a means to shift from subsistence farming and encourage mechanization of agriculture in the rural areas. Cameroon adopted mechanized agriculture to revolutionaries the sector that employs over 80 per cent of its population<sup>345</sup>. Mechanized agriculture uses machinery to carry out farming which greatly increasing productivity. As a result, the Sino Cameroon Iko agriculture was to focus on the transfer of technology so as to boast mechanization of agriculture to achieve the states objective.

Moreover, the agreement was aimed at alleviating poverty in the rural communities and to enhance growth and development in the rural areas<sup>346</sup>. Since the economic crisis in Cameroon, poverty has been one of the problems affecting the population .As a result, these agreement was to conduct experiments on seeds and produce seeds with high yielding varieties that can improve yields and ensure food security. Furthermore, the agreement was to increase the output of the agricultural products and to create employment in the community. From the above objectives we can see that the overall objectives of this agreement were in line with the growth and employment strategy paper and the vision 2035<sup>347</sup>. In other to achieve the above stated objectives, the president of the republic allocated land concessions of 2000 hectares in Nanga Eboko the Iko company to start with the experimentation of rice, cassava, and maize in the locality of Nanga Eboko.

## **A Pull factors of the Sino- Iko agriculture in Nanga Eboko**

### **a. Physical Factors**

Agriculture depends to a great extent on the physical factors of natural environment. In Nanga Eboko the physical factors were a pull factor to the granting of 2000 hectares of land for the experimentation, marketing and processing of rice, cassava and maize in Nanga Eboko. The thick ferralitic soils were pull factor as the soils were good for large scale

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<sup>344</sup>[http://www. MINADER/briefing file/ second generation agriculture-2012-htm](http://www.MINADER/briefing%20file/second%20generation%20agriculture-2012-htm), accessed on 26 July 2016 at 7:30.

<sup>345</sup> *Ibid.*

<sup>346</sup> M. Tsounku and Durell Helleeson, "Chinese investments in Cameroon: Examining the trends, challenges and perspectives on the environment and Communities", *World Wide Fund for Nature report*, September 2014, p .32.

<sup>347</sup> Interview with Nang Kouayep Prosper, Communication Officer RELUFA, Aged 35, Yaounde, 26 June 2018.

farming and the cultivation of tubers and cereals<sup>348</sup>. This area was very attractive to the Chinese for the cultivation of Cassava, maize and rice. Also, the terrain was very conducive for the mechanization of agriculture. Nanga Eboko is located in the central plateau with a flat topography which is suitable for the mechanization of agriculture. Moreover the climatic conditions were also a pull the Sino – Cameroon Iko agriculture to be located In Nanga Eboko. The equatorial climates of Nanga Eboko favoured the cultivation of grains and tubers.

Moreover, the availability of vast tracts of land in the area attracted the state to grant land concessions to the Sino- Cameroon Iko agriculture in this locality. Land was vacant and unproductive as most of the land was not cultivated. The state handed 2000 allotments of land to the Iko Company to ensure maximum utilization of arable land in the locality. Furthermore, the presence of water bodies attracted especially the cultivation of rice in the locality. The navigable river like the river Sanaga which passes through the area favoured the cultivation of rice as water was irrigated from the river to ensure effective cultivation of rice in the locality.

#### **b. Economic factors**

Economic factors were also a pull factor for the granting of land concession in Nanga Eboko. The socio- economic power of the area attracted large scale land acquisition on the locality. Some of the socio- economic factors that attracted the Sino – Cameroon Iko agriculture to be granted 2000 hectares of arable land for mechanization of agriculture were as follows; the labour force in the locality was a pull factor of the agreement in the locality. The vibrant working population was to provide labour force and also benefit from the transfer of knowledge to adapt with the mechanization of agriculture. This was to ensure effective transfer of knowledge and enhance growth and development to achieve the set objectives of this agreement. Also, transportation system was also a pull factor when the agreement was signed, the transportation system was not the best it was thanks to this agreement that the government earmarked the projection of the construction of a modern road to link the locality and Yaounde.

Today, the road is still undergoing construction under the Chinese. Still in transportation, there is a road that is still under construction that links the area where the activities of the Iko company are carried with the central town in Nanga Eboko to ease the

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<sup>348</sup> A. Neba Suh, *Modern Geography of Cameroon*, Bamenda, Third Edition, Neba Publishing House, ,1999, p. 23.



evacuation of the product to the population and for transportation in to other areas in Cameroon<sup>349</sup>. Moreover more than 60% of the population in Nanga Eboko are involved in agriculture. As a result, after proper scientific experimentation of the seeds, these seeds are sold and some distributed to the farmers for cultivation. The population also acts as a market for the seedlings<sup>350</sup>. From the above pull factors the government decides to choose the locality of Nanga Eboko to allocate 2000 hectares of land for the Sino- Cameroon Iko agriculture to go operational. Since 2006, the Chinese have been engage in projects in Nanga Eboko that have help ameliorate the conditions of the rural communities though with some limitations.

## **B. Terms of Land Lease and Activities Carried out in Nanga Eboko**

Before land is allocated to the foreign investor for Foreign Direct Investment, agreements are reached upon by the government of the host country and the investor before the investors starts with the activities<sup>351</sup>. We are going to examine the terms and of granting land concessions to the Iko company in Nanga Eboko and the activities carried by the company in that locality.

### **1. Terms of the Land Lease**

The 2000 hectares of land concessions lease to the Iko Company in Nanga Eboko was for a period of 99years<sup>352</sup>. This was to ensure effective Mechanization of agriculture and transfer of technology. The term of the agreement was a long term lease mainly in the experimentation and application phase, the processing and the marketing phases. The company started with the experimentation and applicationfaced in the 120hecters of land out of the 2000concessions granted by the state in the locality of Nanga Eboko. Other arable lands have beenacquired in the neighboring villages of Akak, Ekanga though the land is still vacant. According to the agreements, the company was to compensate the population that was using this land. After the findings, the communities say they are still waiting for the compensation<sup>353</sup>. However the main aim of this agreement was for the benefit of the rural communities and for the government to achieve her vision of emergence by 2035.

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<sup>349</sup> M. Nwana et al, *Elements of Regional and Human Geography*( revised edition) Bamenda, Unique Printer and Publishing House, 2005, p. 78.

<sup>350</sup>Interview with Devine Ndukong, civil Administrator, Divisional Delegation of Agriculture and Rural Development Nanga Eboko, 36years, 7 August 2019.

<sup>351</sup> P. Liu, "Impacts of foreign agricultural investment on developing countries": evidence from case studies, Food and Agricultural Organization., [http// www./C:/Users/user/Downloads/Liu%20\(1\).pdf](http://www./C:/Users/user/Downloads/Liu%20(1).pdf), accessed on 05 August 2017 7:30 am p. 3.

<sup>352</sup> S. Nguiffo and Michel Watio, *Agro Industrail Investments*, p.47.

<sup>353</sup> Interview with,the chief of Akak,Aged 54, 7 August 2019, 10:30 am.

## 1.1. Activities carried out in Nanga Eboko.

Since 2006, the Sino Cameroon Iko agriculture limited in Nanga Eboko has involved in the experimentation and application of three main crops namely cassava, rice and maize. These company works closely with the IRAD and the Ministry of Agriculture and Rural Development (MINADER) in the transfer of technology and in the experimentation and application process. To better understand the activities we are going to examine the three different crops to see the extent to which the company has achieved the set objectives<sup>354</sup>.

### 1.1.1. Rice cultivation

Chinese rice production scheme introduced in Nanga Eboko since 2006 has recorded improvement in yields, control of dangerous weeds, and the fight against crop diseases, destructive insects and climate stress. Cameroon's potential in rice and other cereals production attracted Foreign Direct Investment from China with the setting up of some large-scale rice farms by the Sino –Cameroon Iko Agriculture Development Company Limited in Nanga Eboko in the center region. The scheme was not only aimed at boosting rice production in Cameroon but also helping to improve on the income of rice farmers, as well as add value to the country's second generation agriculture launched by the government since 2010<sup>355</sup>

#### Plate 1: Rice Experimentation Farm in Nanga Eboko



**SOURCE:** Divisional Archives MINADER, 20 June 2019.

<sup>354</sup> Interview with Eto'o Romain Roland, Mayor of Nanga Eboko, Aged 68, Nanga Eboko, 16 June 2020.

<sup>355</sup> Interview with Ndukong Devine, Civil Administrator MINADER, 36 Aged, Nanga Eboko, 20 August 2019.

The plate above indicates the rice experimental farm in Nanga Eboko on the concession allocated to the Sino Cameroon Iko agriculture to enhance the cultivation of rice in the locality. This experimental farms have proved that the soils in the upper Sananga division are good for the cultivation of rice in the locality. The picture indicates the Iko technicians studying the productivity of rice in this locality.

**Plate 2: Rice Ready for Harvesting**



**Source:** Divisional Archives MINADER, 20 June 2019.

The picture above indicates the rice ready for harvestion in the concession allocated to the Sino Cameroon Iko agriculture . The picture portray that the physical factors in the upper Sanaga division precisely in Nanga Eboko have led to high yield of rice in the locality of the concession. The high yield have greatly influence the Sino Cameroon Iko Agriculture to attend its objective of improving the cultivation of rice in the locality in other to ensure food security and increase the standards of the living of the local communities as well as their technological skills in the cultivation of rice.

The government took the engagement to partner with the Chinese government in rice production not only because of their expertise in this sector but more because of their remarked interest to invest and promote agriculture improvement and local rice production in the country<sup>356</sup>. These has reduced importation as the Chinese breed ‘un-whitened’ rice comes to add to other local breed, Ndop and SEMRY rice produced in the Northwest and the

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<sup>356</sup> Ministry of Economy Planning and Regional Development, *Republic of Cameroon: vision 2035*, Yaoundé 2009, p. 96.

Northern region respectively<sup>357</sup>. The area is endowed enormous resources especially arable fertile land and human resources to produce rice to meet the country's demand and even export to neighboring countries. The farmers just need the right training skills and material support to engage in rice production in this locality.

The cultivation of rice in Nanga Eboko after experimental process to see whether rice can adapt with the climate, the Chinese engage in the cultivation because they discovered that rice can do well in the locality. The company opened up large scale irrigated farms where water was irrigated from the nearby Sanaga River to the rice fields in the locality. Also Cameroonian working on the rice farms learned skill on how to go about in the cultivation of rice in the locality. The process of irrigation and mechanization of rice production in the locality have also helped to promote the mechanization of agriculture.

**Plate 3: River Sanaga for Irrigation to the Rice Farm.**



**Source:** Authors Collection Field Work, Nanga Eboko, 7 August 2019.

The picture above indicates one of the attractive pull factor that influence the Sino-Cameroon Iko agriculture in Nanga Eboko. River sanaga provided irrigated water to the rice farms in Nanga Eboko. One of the most important resource for rice cultivation is water. Thus, the Sino Cameroon Iko agriculture rice cultivation is allocated along the banks of river Sanaga to enhance the irrigation of water in to the rice farms.

<sup>357</sup> C. Nforgan , “Cameroon-Chinese-Rice-Cultivation-challenges” available at [http:// climate reporter/2016/15//stress-uploads/htm](http://climate-reporter/2016/15//stress-uploads/htm) 5 August 2017 11:30am.

**Plate 4: IKO's Rehabilitation of the Irrigation Works at its Rice Farm in Nanga Eboko**



**Source: Divisional Archives MINADER, 20 June 2019.**

The picture above indicates the irrigation of water by the IKo company to the rice Cultivation Farms in Nanga Eboko. The irrigation Process involves the use of pipes as a means to transport water in to rice cultivation farms. This process influenced the high productivity of rice in the concessions allocated to the Sino Cameroon Iko agriculture.

Rice cultivation in Nanga Eboko has been a success story but the local communities did not engaged in the cultivation of rice because of the high cost and the cultivation of rice was not in the culture of the local communities. Also, the machines to engage in the mechanization of rice are very expensive which turn to hinder the local communities to engage in rice production.

### **1.1.2. Maize Cultivation**

Since 2006, the company engaged in the cultivation of maize seedlings in the locality of Nanga Eboko. 20 hectares were use to cultivate maize seedlings to distribute to the local communities for cultivation. Different maize seeds were tasted and new hybrids were experimented with high yielding varieties to be cultivated by the local communities. The cultivation of maize in the experimentation farms was done in a mechanised way which have greatly help in the transfer of knowledge on mechanized maize cultivation to the local

communities<sup>358</sup>. As earlier mentioned the company work in collaboration with IRAD and the ministry of agriculture and rural development to produce maize seeds with high yielding varieties. According to information from the field the Iko Company focused on the application of the large scale land allotment and the experimental process done in IRAD<sup>359</sup>. Also, the ministry of Agriculture and Rural Development follow up to ensure effective implementation and local communities to cultivate the hybrids with high yielding varieties.

**Plate 5: Maize Experimentation Farm in NangaEboko**



**Source:** Divisional Archives MINADER, 20 June 2019.

The picture above indicates part of the land concessions allocated to the SinoCameroon Iko agriculture for the cultivation of maize seedlings with high yielding varieties to be sold to the rural population in other to improve maize cultivation. The picture indicates the maize at the germinating stage after the application of pesticides, herbicides and insecticides to enhance growth.

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<sup>358</sup> Interview with Delphine mbot, Aged 35, teacher, president of the Common Initiative Group (CIG) Megang, , 06 August 2019. 11:30am.

<sup>359</sup> Interview with Devine Ndukong, Aged 36, Civil Administrator, Divisional Delegation of Agriculture and Rural Development, 7 August 2019. Nanga Eboko

**Plate 6: Maize seedlings ready for Harvesting**



**Source:** Authors collection during field work, Nanga Eboko, 7 August 2019.

The picture above indicates the maize seedlings ready for harvesting and packaging to be sold in the local markets and in the international market for planting. It is very important to note that in the upper Sanaga division maize cultivation by the rural population has greatly increased thanks to the presence of hybrid seeds produced by the Sino Cameroon Iko Agriculture in Nanga Eboko. The presence of these seeds were cultivation last only for three months have encourage large scale maize cultivation in the upper Sanaga division to satisfy the high demand for maize both at home and in the neighbouring countries.

The presence of the company in this locality greatly improved on the cultivation of maize by the local communities. Majority of the farmer cultivate the new hybrid with high yielding varieties which has greatly improved on the output of maize in the locality. Also, to ensure high yields, the communities are grouped in to common initiative groups(CIG) where the seeds and fertilizers are distributed to the farmers and the technicians of the ministry of agriculture and rural development ensure effective follow up ,organise seminars and educate the framers on the how to go about in the cultivation of the new hybrids<sup>360</sup> .

However, the local communities still continue with the subsistence type in the cultivation in small fragmented pieces of land mainly for consumption. Also, some farmer still continue to utilised their old seedlings because they consider the hybrids to be expensive and still hold on their traditional seedlings that have been part of their culture. This is due to

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<sup>360</sup> *Ibid.*

limited knowledge, ineffective sensitization and follows up of the farmers by the stakeholders<sup>361</sup>. Information from the field states that a packet of the new hybrid is sold to the in the local market at 1000frs and since 2006 more than 500000 packets of the new hybrid have been distributed to the farmers who belong to the common initiative groups and 2000 bags of fertilizers, a farmer with one bag and 3 packets for free to help boost the production of maize<sup>362</sup>.

Above all, most of the seedlings are sold to large scale farmers in Cameroon that their output target big companies like Guinness and Brasseries<sup>363</sup>. From the above analysis we can see that the Sino- Cameroon Iko Agriculture in collaboration with the ministry of agriculture and rural development and IRAD has to an extent contributed in the alleviation of poverty and enhance growth and development in the locality. The experimentation of maize has been a success story in the locality as upper Sanaga in general and Nanga Eboko in particular today is one of the main areas in Cameroon that is involved in the cultivation of maize. Individuals have opened large farms and have engaged in the mechanization of maize in the locality and in the upper Sanaga division thanks to the Sino Cameroon Iko experimentation farm in Nanga Eboko that produce seedlings to supply the large scale mechanized maize farmers.

### **1.1.3. Cassava Cultivation**

The Sino- Cameroon Iko agriculture had keen interest in the cultivation of cassava which is one of the main crop consume by the local communities in the upper Sanaga division. Since 2006, they have multiply cassava seeds that have help improved on the output of cassava in the locality. Cassava experimentation was carried out by comparing technology with the locally produced by the rural communities<sup>364</sup>.

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<sup>361</sup>. Nforang Charles, "Cameroon-Chinese-Rice-Cultivation-challenges" [http:// climate reporter/2016/15/stress-uploads/htm](http://climate-reporter/2016/15/stress-uploads/htm) 5 August 2017 11:30am .

<sup>362</sup> Interview with Lili Claudia Anick, student assistance CATAC, Aged 29 , 5 August 2019 at Nanga Eboko.

<sup>363</sup> *Ibid.*

<sup>364</sup> OO8/2008/ Archives improving on Agriculture in Nanga Eboko.2008.



### Plate 7: Cassava Experimentation farm in Nanga Eboko



**Source:** Divisional Archives MINADER Nanga Eboko.

The picture above indicated the portion of the land concession allocated to the Sino Cameroon Iko Agriculture that has been used for the cultivation of a new hybrid of cassava. This was mainly to improve on the cultivation of cassava and to produce cassava stems with high yielding varieties for the communities to improve on cassava production which is mostly consumed by the communities in the upper Sanaga division.

Cassava has since 2006 recorded a success story as many indigenes have involved in the cultivation which has led to an increase in the output of cassava. Many products produced from cassava are mostly consumed by the local communities which is part of their feeding habits. During the field work we discovered that 150,000 stocks of cassava stems were distributed to the communities in 2008 which have greatly multiplied the yields of cassava in the locality<sup>365</sup>. It is of no doubt that this locality is one of the areas in Cameroon that produce large scale cassava to supply the urban market. Many farmers have engaged in the cultivation of cassava which to some is the main source of their livelihood.

#### 1.1.4. Technologic Transfer

At the Nanga-Eboko station, the training Center was constructed by the Iko company since 2008 to ensure effective transfer of technology to train Cameroonians and transfer

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<sup>365</sup> Interview Devine Ndukong, civil administrator, Divisional Delegation of Agriculture and rural Development Nanga Eboko, Aged 36, 7 August 2019.

technology on the mechanization of agriculture. This was mainly to achieve the government vision of the second generation agriculture focused on the mechanization of agriculture. The Centre is one of 15 agricultural technology demonstration centers that the Government of China committed to build in Africa at the Beijing Summit of Sino-African Cooperation in 2006<sup>366</sup>. In this case, the overlap between China's cooperation programs and the interests of its companies is clear. The center in Cameroon, which currently houses about 60 Chinese workers, serves as the site for the development of IKO's rice, maize and cassava, operations.

**Plate 8: Laying of the Foundation Stone on the Construction Site in NangaEboko**



**Source:** *Cameroon Tribune*, 16 November 2010 available at <http://www.Cameroon-tribune.cm>

The plate above indicates the laying of the foundation stone by the minister of Agriculture and rural development to construct the center for the transfer of technology in Nanga Eboko by the Iko company in order to strengthen the sino Cameroon Agriculture relations and enhance effective transfer of technology to meet with the objective of the Sino Cameroon Iko Agriculture.

<sup>366</sup> Final declaration, Beijing summit of the Forum on China-Africa Co-operation (FOCAC) in 2006, available at [http://news.mongabay.com/2006/0419-tina\\_butler.html](http://news.mongabay.com/2006/0419-tina_butler.html). Accessed 4 August 2017, 2:00pm.

**Plate 9: Chinese Workers Residential Unit**



**Source:** Authors collection during field work, 08 August, 2019, Nanga Eboko.

The plate above indicates the residential house of the Chinese workers in the Iko company in Nanga Eboko. Field work information reveals that over 100 Chinese workers were resident in Nanga Eboko to ensure effective transfer of technology to the rural communities.

**Figure 10: The Training Center in NangaEboko**



**Source:** Author's collection during Field Work, 7 August 2019, Nanga Eboko.

The plate above indicates the training center that was constructed by the Chinese Iko Company in the concessions allocated by the state to enhance effective transfer of skill and technology to the rural population.

This training center was to be used by the company to promote its model of agriculture in this region where small-scale peasant agriculture and pastoral nomadism dominate. The only means of technological transfer has only been effective in the experimentation process mainly to the agricultural technicians. Workers in the rice, cassava and maize farm completely denounce the idea of transfer of technology as all the operations in the machines and tractors are done by the Chinese<sup>367</sup>. The workers were not allowed to use machines in the production process. To them the mechanisation was a failure because in reality all the technical operations were done by the Chinese in which they do not open up with the workers.

Today, the 120 hectares of land cultivated by the Sino- Cameroon Iko agriculture limited in Nanga – Eboko that was state land have been handed to the Cameroon Center for Application of Agricultural technologies (CATAC) under the supervision of the Iko expertise to ensure effective transfer of technology for the past years they have been operating in Cameroon. Since 2010, CATAC in line with the Sino- Cameroon Iko agriculture started operations in the 120 hectares of land with the objectives to fight against poverty and unemployment. CATAC under the auspices of the Sino- Cameroon Iko agriculture has a plan to conduct research on agricultural products, improve on technical production and ensure sustainable development. However, the workers argue that all the technical part of the process still remains in the hands of the Chinese experts that there is little in the transfer of technology to the workers<sup>368</sup>. Other hectares of land have been acquired by the Chinese in villages like mengang, Ekanga, kaah, akak which are still vacant.

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<sup>367</sup>Ministry of Economy Planning and Regional development, Cameroon National Human Development Report, UNDP, 2009,p4.

<sup>368</sup> Interview with Sando Robert, Aged 40, worker in the Rice farm, Nanga Eboko, 5 August 2019.

**Plate 11:IKO's Large-Scale Land Concession in Nanga-Eboko.**



**Source:** Author's collection during field work, 10 August 2019, Nanga Eboko.

The plate above indicates the vacant and unexploited land allocated to the Sino Cameroon IKo agriculture that is still vacant and has not been put in effective used by the Agricultural venture

This vast vacant land was part of the 2000 hectare assigned in the Sino – Cameroon Iko agriculture in Nanga Eboko. The lands were used by local communities for farming, hunting and gathering of fruits. Some maintain that the concession actually covers 4,000 hectares and others say that the company has acquired as much as 6,000 hectares<sup>369</sup>. Local villagers we spoke with were unsure about how the concession was allocated to Iko. They were not informed on the land to be acquired by the Iko Company. Also, as concerns compensation, most of the local communities said that the state promise to compensate the communities for the acquisition but they have not yet been compensated they said they are still waiting for the compensation since the company have not started activities on part of the acquired land<sup>370</sup>.

**C. Perception of the population on the Sino-Cameroon Iko Agriculture**

The general public has different perception as concerns the Sino- Cameroon Iko agriculture. In order to better understand the different views; we are going to look at the perception of the civil society organizations, local population and the governments.

<sup>369</sup> Interview with Essam Mukang, Aged 57, farmer, Nanga Eboko, 7 August 2019.

<sup>370</sup> Interview with Meng Missina, Aged 59, Technician civil engineer, Nanga Eboko, 7 August 2019.

## 1. Local Population

The Cameroon government entered into a responsible land deals with china to engage in agriculture on 2000 hectares of land in Nanga Eboko. This was mainly to enhance growth and development and above all improve the standards of living of the local population<sup>371</sup>. Since the agreement was signed in 2006, the Sino –Cameroon Iko agriculture limited started its operation first on the experimentation and application of rice, maize and cassava and the construction of a training center to train the local communities on the mechanization of agriculture<sup>372</sup>.

After administering questionnaires to the local population and conducting interviews with the population, we discovered that the population had diverse view on the Sino – Cameroon Iko agriculture and the acquisition of large tract of land by the Iko company in the locality. Many people were for the fact that the population has benefited on the production of cassava and maize, rice has been a failure. At the level of technological transfer, employers working in the field consider technological transfer as a failure as all the technical works are still done by the Chinese expert. Also the conditions of working, time and the amount paid to the workers is very little . As concern large scale acquisition, we discovered that the 120 hectares of land under cultivation for the experimentation of cassava, maize and rice was owned by individuals of Nanga Eboko which was later own acquired by the state and allocated to the Taiwanese in the 1960s, depriving them form access to arable land. Furthermore, we discovered that the Iko Company apart from the 120 hectares of land acquired from the state, they have acquired other land to make up the 2000 hectares in the locality in the neighboring villages which has not yet been exploited. Thus, the concept of large scale land acquisition for foreign direct investments is not a recent phenomenon<sup>373</sup>. This has developed in this locality from the Taiwanese in the 1960s before the Sino- Cameroon Iko agriculture company in 2006.

We also discovered that there is peaceful coexistence between the local communities and the Sino Iko agriculture except the issue of land acquisition which the local population argues that it deprived them from having access to land and that part of the allotments which

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<sup>371</sup>L. Cotula , SanjaVermeulen and James Keeley, “Land Grab or Development Opportunity, Agricultural investments and international land deals in Africa”. IIED,FAO and IFAD, Rome,2009, available at [www.ifad.org/pub/land/land-grab.Pdf](http://www.ifad.org/pub/land/land-grab.Pdf). Accessed on 21 november 2016 at 11: am.

<sup>372</sup>[Http://www/21n0v/standard-tribune/chinese-boast-rice-production/online](http://www/21n0v/standard-tribune/chinese-boast-rice-production/online).accessed on 21 November 2016 at 10:30am.

<sup>373</sup>P. Etienne Kenfack, S. Nguiffo and T. Nkuintchua, *Land Investments, Accountability and the Law: Lessons from Cameroon*, London, IIED, 2015 p.15.

was their ancestral, burial site and subsistence farming. This turn to raise some doubt as to whether the Sino- Cameroon Iko agriculture in Nanga Eboko has promote economic growth and development, mechanization of agriculture and helped in the alleviation of poverty in the local communities.

Moreover, we discovered it is not only foreign investors that signed contracts with the state that acquire large allotments of land for investment as national elites are also involved in large scale land acquisition for large scale agricultural production. This has greatly affected the community on access to arable land for their subsistence farming and above all has transformed many local entrepreneurs to plantation labourers.

## **2. The Government**

Cameroon is endowed with enormous resources especially arable fertile land and human resources to produce enough rice to meet the country's demand and even export to neighboring countries. The farmers just need the right training skills and material support<sup>374</sup>.The land laws in Cameroon opened land under the national domain for Foreign Direct Investment. The government perceives that Foreign Direct Investment will facilitate the government to achieve her objectives of mechanization of agriculture, alleviation of poverty and to enhance economic growth and development all in the move towards an emerging nation by 2035. That is why Cameroon's potential in rice and other cereals production and the government policy to encourage FDI attracted investment from China with the setting up of some large-scale rice farms by the Sino –Cameroon Iko Agriculture Development Company Limited in Nanga Eboko.

The company has also provided opportunities for training and technology transfer in hybrid rice farming by rice farmers in Ndop in the Northwest. The scheme has not only boosting rice production in Cameroon but has also helping to improve on the Agricultural production, there by add value to the country's second generation agriculture launched by the government since 2010<sup>375</sup>. The Government view the Sino Cameroon Iko agriculture in Nanga Eboko as an activity that accelerate economic growth and development, transfer of technology, create employment, reduce poverty and open up more opportunities for the local population. "We took the engagement to partner with the Chinese government in rice production not only because of their expertise in this sector but more because of their

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<sup>374</sup> J.B. Tagne, "Enquête sur la riziculture chinoise," *Quotidien Le Jour*, 18 August 2010. - See more at: <http://www.farmlandgrab.org/post/view/16485#sthash.71dIV1wG.dpuf>.accessed on 26 November 2016.11:00am

<sup>375</sup> *Ibid.*

remarked interest to invest and promote agriculture in Cameroon in general<sup>376</sup>. As earlier mentioned, the company worked in synergy with the ministry of agriculture and IRAD to ensure effective transfer of knowledge. The recent operation of the center for Application of agricultural technologies really confirms the effective transfer of technology.

Large Scale Land acquisition is a strive towards the mechanization of agriculture and the promotion of second generation agriculture to meet with the objectives of the state. According to the government, subsistence and fragmented farming on pieces of arable land cannot improve output. As a result, large scale land acquisition for mechanised farming will increase output. This will contribute to fight against food insecurity and food sufficiency, which will greatly contribute in the alleviation of poverty in the country in general and in the local communities in particular.

### 3. Civil Society Organizations

Civil society organizations (CSO) have had keen interest on large scale land acquisition by multinational companies for FDI in Cameroon as the rights of the local communities turned to be jeopardized by foreign investors. The 2008 financial crisis that led to an increase in food prices was preceded by the large-scale conquest of land, water and other natural resources in the Global South including countries such as Cameroon<sup>377</sup>. Civil Society Organizations like The Citizens Association for Defense of collective Interest (ACDIC), the Center for Environment and Development (CED) and the Network for the Fight Against Hunger in Cameroon (RELUFUFA) have developed interest on the Sino- Cameroon Iko Agriculture in Nanga Eboko. These organizations defend the rights of the local communities on large scale land deals<sup>378</sup>.

They argue that the transfer of technology by the Sino – Cameroon Iko Agriculture has not been effective in the government vision of mechanization agriculture and the emergency plan. They stressed on the fact that the development of Cameroon and the alleviation of poverty in Cameroon should not rest on the hands of the multinational companies in allocating large tracts of land in Cameroon. They perceive that the local communities be encouraged in subsistence agriculture by providing subsidies, incentives,

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<sup>376</sup> Interview, Henry Eyebe Ayisi, Cameroon's minister of agriculture and rural development, *Cameroon Tribune* paper no 11496/7539 of 16 October 2016, p.3.

<sup>377</sup> V. Ngambouk Pemunta, "New Forms of Land Enclosure: Multinational States Production of Territory In Cameroon", *stidia sociologia*, (LXI) on [Http:// www. Diva-portal org.](http://www.Diva-portal.org) accessed on the 16 November 2016 11 :30 p 51.

<sup>378</sup> Interview with Jaff Napoleon Bamenjo, Aged 45, Coordinator RELUFUFA, Yaounde, 23 June 2018.



farming tools and the development of farm to market road will improve on the productivity rather than transforming the agricultural entrepreneurs to plantation labourers.

A concerns large scale land acquisition, the large tracts of land allocated to by the state to the Sino- Cameroon Iko agriculture turn to deprive the rural communities from access to land which is the source of their livelihood as more than 70% of the rural population depend on arable land for agriculture. Also, rural communities are not aware on the land concessions allocated by the state to the Iko company. This was mainly because the local communities were taken surprise on the acquisition of land as the local communities were not involved in the signing of the Sino Cameroon Iko agriculture agreement. However, multinational companies are out to maximized profits and protect the interest of the state in international diplomacy. Thus, the Sino- Cameroon Iko agriculture have been perceive by the states as a win-win cooperation since both countries benefits from the agreement though the population and civil society organizations have their own views of the agreement.

The development of Sino – Cameroon relations since from 1971 date has widened in scope in different fields which have strengthened ties between the two states. That is why the Government of Cameroon signed the Sino- Cameroon Iko agriculture which granted land concessions in Nanga Eboko to meet China’s objective in Africa as established in the Forum for China African Cooperation in 2000 .The Sino-Cameroon Iko agriculture had its objectives geared towards the objectives of the Cameroon government as stated in the Growth and Employment Strategy Paper and in the Emergency Plan. This company in Nanga Eboko involved in the experimentation and application of maize, cassava and rice an in the construction of a training center to ensure effective transfer of technology. The collaboration of Iko and the ministry of agriculture and rural development, IRAD and the current activities of the Center for Application of Agricultural Technologies were to ensure effective transfer of knowledge to enhance the second generation agriculture and the mechanization of agriculture in Cameroon.

Moreover, large allotment of land acquired by the company are still vacant but the overall concept is that large scale mechanized agriculture will increase output and will help alleviate poverty in the local communities and Cameroon in general. However, there are different perceptions from the population on the Sino –Cameroon Iko agriculture and large scale land acquisition. This turn to evock debates as to whether their activities and operations affect the local population. In our subsequent discussions we shall examine the impacts, challenges and advocacy of the Iko agriculture and remedies on how to overcome

the challenges so as to improve on the livelihood of the local communities in particular and Cameroon in general.

## **II. SOSUCAM and Large-Scale Land Acquisition in the Upper Sanaga Division**

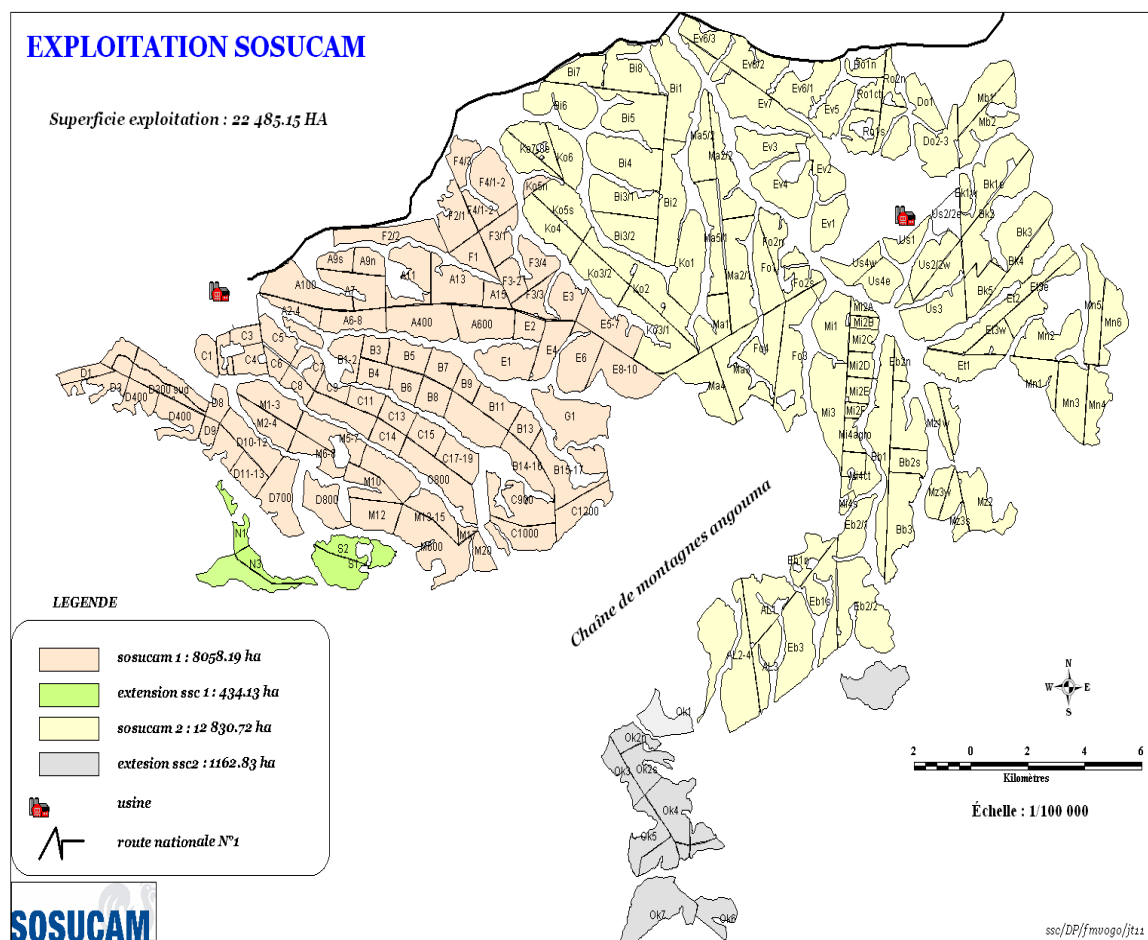
One of the multinational companies that involved in large scale land acquisition in the upper Sanaga division was SOSUCAM “*Société Sucrière du Cameroun*”. This company is an agro-industrial company that is involved in the production and the transformation of sugar cane to sugar. It is situated in the upper sannaga division 100 km north east of the capital Yaoundé. The surface area of Sugar cane cultivated in by this company lies between latitude 4 degree 36’ north of Longitude 1 degree 49’ and covers principally the sub divisions of Nkoteng and mbandjock respectively. The sugar cane farms are located along the national road number one linking the East region with the Center region. It is situated in the southern low plateau with the landscape favourable for mechanized agriculture<sup>379</sup>. Also the area has ferrallitic soils which are fertile and good for the cultivation of sugarcane<sup>380</sup>. All the above factors favour the implantation of SOSUCAM in this locality. Below is the map that indicates the location of SOSUCAM and total area covered in the cultivation of sugarcane.

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<sup>379</sup> Charlotte Fontan, « Outil » filière agricole pour le développement rural. Centre d’Economie du Développement (CED), Bordeaux : Université Bordeaux IV, 2006, p. 5.

<sup>380</sup> Suh Aaron Neba, *Modern Geography of Cameroon*, third edition, Neba publishing house, Bamenda Cameroon, 1999, p. 23.

**Map 4 : Localisation de la zone d'exploitation de la SOSUCAM**



Source:SS/DP/F.MVOGO/jt11

## 1. History SOSUCAM

SOSUCAM was created on the 08 June 1965 under the initiative of the Cameroon government and the French company SOMDIAA « *Société d'Organisation de Management et de Développement des Industries Alimentaires et Agricoles* ». aimed at the production and the transformation of sugar Cane in to Sugar. This French Company was laid by Jean Lious Vilgrain. SOMDIAA owned and control over 9 agor-industrial plants in the world and produce over 800000 tones of sugar in a year. The creation of the agro- industrial company in Cameroon was as a result of the high importation of sugar in Cameroon. In 1965, Cameroon imported 9000tones of sugar. To end this, Ahidjo in 1963, signed a decree for the creation of SOSUCAM and 10000 hectares of land was allocated to the company in the locality of Mbandjock. The company then put the land in to use and cultivated 32 hectares of land . By 1967, SOSUCAM produce over 5000tones of Sugar annually in this locality. The capital of

this enterprise by 1973 was 1450millionFCFA that was portioned as follows;The state 36%, SOMDIAA 45%, BICEC and BIAO 6% and private investors 2%<sup>381</sup>.

In 1974, the government of Cameroon created another sugar company in Nkoteng near Mbandjock called CAMSUCO (Cameroon Sugar Company) with the total land surface area of 11200 hectares of land concessions with a capital of 100million FCFA. This was in line with Amadou Ahidjo policies of self-reliance and planned liberalism. Ahidjo in his move to improve the economy of Cameroon started the five years development program that was aimed at accelerating development in Cameroon. His second five year development program was on agriculture where he wanted to improve agriculture in Cameroon. As a result, CAMSUCO was created in line with this vision.

By 1980, the two companies produce a total output of 65000toones 43% for SOSUCAM and 57% for CAMSUCO. In1989 with the economic crisis and the Structural Adjustment Program put in place by the IMF and the World Bank, The Cameroon government started the pravitization of state owned company to private individuals. As a result CAMSUCO was bought by SOSUCAM both the factory and the land for 11 billion FCFA. The factory and the land of CAMSUCO in Nkotengwas know owned by SOSUCAM, a French multinational company uptill today. This permit SOSUCAM to produce 87000 tones of sugar annually<sup>382</sup>.

In 2006, the “*bail emphytéotique*” was signed by the Cameroon Government authorising the exploitation of11980 hectares in the Upper Sanga Division giving a total of 33180 Hectares of land. Today the capital of the Company is 82.2% by the SOMDIAA and 17.8% by the government. The capital of the Company is 13925000000FCFA. This land on the national domain was owned by the rural communities where they practice hunting and agriculture. The signing of this decree deprived the rural communities from access to land which is a source of their livelihood. This led to conflicts with the rural communities on access to land. SOSUCAM cultivate and transform sugar cane in Mbandjock and Nkoteng and two varieties of sugar cane are produce; co997 that covers 56% of the Total surface area of sugar cane and B46364 that covers 36% of the surface area of sugarcane<sup>383</sup>.

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<sup>381</sup> V J Ngoh , *Cameroon History since 1800* p .243 .

<sup>382</sup> Interview with Ibrahim Tobi,Aged 38, Legal Department, SUSUCAM, Nkoteng, 19 July 2020.

<sup>383</sup> Zelakwa Maguina, « Repport sur les Agro-Industrie dans le Development des zones Rurales et dans les Strategies de Developpment au Cameroun : cas de la SOSUSCAM », 2013, p.10.

## 2. Mode of land acquisition by Agro-Industries.

SOSUCAM signed land concessions with the Cameroon government to acquire large tracts of land in the upper Sanaga Division for Agro-industrial investment and to boost the cultivation of sugarcane and the production of sugar to meet the economic demand in Cameroon. In 2006, the government signed the “*bail emphytéotique*” and added the land for the cultivation of sugarcane. This land was made up of forest that was not put in to value as the government claims but the rural communities use this forest for hunting, poaching, search for medicinal plants and ancestral sites. This raise conflicts between the Company and the rural communities.

### Plate 12: SOSUCAM Sugar Cane Farm



Source: Author’s collection during filed work. 16 September 2020.

The plate above indicates SOSUCAM sugar cane farm acquired from the states through th concession signed with the Cameroon government to Exploit the land for the cultivation and transformation of sugarcane to Sugar. The concession granted SOSUCAM , 25000 hectares of land and the *bail emphytéotique* added over 10000hectares of land in 2006 for the cultivation of sugarcane, Part f the concession have been used to construct the factories, schools, health centers and residential homes for SOSUCAM workers.

The legal procedure of land acquisition by agro-industries is done as follows; The company writes a letter to the minister of Agriculture and Rural Development indicating the site where the company want to locate and the total surface area of land demanded, The

Ministry of Agriculture and Rural Development transfer the documents to the Service of state property and land tenure of the region of the project<sup>384</sup>. The Regional Delegation of state property and land tenure then transfers the documents to the land consultative board for scrutiny. If the documents are ok, The regional delegation of state property and land tenure then transfers the documents to the Ministry of state property and land tenure as per the recommendations of the land consultative board for signature. Land less than 50 hectares is signed by the Minister of state property and land Tenure while land More than 50 hectares is signed by the president of the Republic<sup>385</sup>. The 2006 “bail emphytéotique” did not take in to consideration all this legal issue the Presidential decree extend the land for the cultivation of sugar with the concept that land was vacant and unproductive. The rural communities were not consulted leading to the development of conflicts between the company and the rural population. For instance in the villages like Nkoteng Village, Zilli, Ebometendé, Meyosso, Messessa Simbane and Mbananga, land conflicts occurred between the communities and SOSUCAM because of the extension of their sugar cane farms to land the community use for agriculture and hunting.

This has been a problem because SOSUCAM expand based on the 2006 decree but the communities hold land under customary land ownership which is not recognized by the Cameroon land law but is not protected. Most of the land the communities utilized is classified under national land in which the state is the custodian of land under the National domain. A majority of the rural Communities interviewed, testify that this land was not bought by them and that; they inherited this land from their ancestors. The rural population also said that, most of this land was owned by family and any son or daughter of the family that want to utilize in any way has the right to put the land in to cultivation. Natural boundaries like hills, rivers, forest, streams separates the land between families<sup>386</sup>. The continuous expansion of SOSUCAM sugar cane farms in nearby villages have deprived

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<sup>384</sup>All lands not classified as public or private property of the State and lands not under private property rights (section 14 Ord. No 74-1/74); it includes all lands that have failed to meet requirements of sections 4,5 and 6 of Ord. No. 74-1/74 and so have been incorporated as national lands; all lands under customary tenure with or without effective occupation-(section 15 Ord. No 74-1/74).

<sup>385</sup>The applicant is required to apply in triplicates using appropriate form in which is included full bio data, articles of association, a power of attorney if acting through an agent, four copies of sketch map of the land, certified copies of birth and marital certificates, a stage-by-stage development program of the supposed project. This application that is transmitted to the appropriate lands Service shall then be scrutinized by all the concerned government departments for their opinion which shall be forwarded to the LCB which after examination shall make its recommendations to the Minister of lands for allocation of temporary grant below 50 ha or to the Head of State if above 50ha.

<sup>386</sup> Interview, Nanga Debora, Farmer, 61years, Mbandjock, 20 July 2020.

the rural population from access to arable land which is the main source of their livelihood. Most of the rural communities have been transformed to plantation labourers.

One of the driving force behind largescale land acquisition in Mbandjock and Nkoteng respectively was mainly because of the high demand for Sugar in the Cameroon and the CEMAC zone. For instance Cameroon demand an estimate of 190000 tonnes of sugar and about 400000tonnes in the CEMAC zone<sup>387</sup>. Companies like BRASSARIES, GUINNESS and NUSUCAM demand in large quantities. Note should be taken that NUSUCAM buys powder sugar from SOSUCAM and transform it to Cubes<sup>388</sup>. Thus, their main raw materials comes for SOSUCAM. Other companies like New Destile Company (NUDICAM) that produces acohol (Etanol) that is highly demanded by Guinness and Brasseries companies. This company, used sugar that burnt in the process of production as their raw material to produce hot drinks. This explains why the company is located in Mbanjock near the SOSUCAM factory because of the availability of raw materials<sup>389</sup>. SOSUCAM produce 130000tonnes in a year and other companies like NUSUCA in Douala produce 30000tonnes which is insufficient to meet the demand in Cameroon and the CEMAC Zone in general. This influence the Company to acquire vast tracts of land in villages in other to meet up with the demand. In 2015, SOSUCAM extended her sugar cane farms by 7000 hectaresto cultivate a new hybrid of sugarcane that is the B82333 and the Fr81258 in other to meet up with the demand<sup>390</sup>.

### **3. Conflicts due to Land Extension**

Land is a very important asset to the rural communities because the rural masses depends on land as a source of their livelihood. The widespread perception that land in the rural areas was vacant and unproductive was a source of conflicts between the rural masses and investors. Virtually all valuable land was used or at least claimed by local people. The land that forms the prime focus of large-scale land acquisition was not land under permanent cultivation, but unfarmed forests, grasslands and marshlands held and used as communal assets by rural communities. These lands were usually owned collectively by tradition and customary law and also used collectively. While all households benefit from these collective

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<sup>387</sup> Interview with Yana Yana Eric, Responsable de la production agricole, SOSUCAM, Mbandjock, 20 July 2020.

<sup>388</sup> Interview with Chuffu Martin, Aged 38, Communication Unit, SOSUCAM, Mbandjock, 20 July 2020.

<sup>389</sup> Interview with Nyope Lius, Security service, Aged 46, SOSUCAM, Nkoteng, 20 July 2020.

<sup>390</sup> Interview with Wangogang Bosco, Aged 54, plantation controller, Nkoteng, 20 July 2020.

resources, richer households typically earn most from their use while poorer households with smaller farms were most dependent on them for their livelihoods.

Even though many governments do not give recognition or protection to any customary ownership rights, they may prefer not to allocate permanent farmland and residential land to investors and speculators in order to limit conflicts and possible compensation or relocation costs, as loss of standing crops and houses generally requires compensation, irrespective of the land's ownership status<sup>391</sup>. However, the land reallocated was unlikely to be the least used.

Despite the rhetoric of targeting marginal lands, acquirers were most interested in lands that was fertile, wellwatered or with good rainfall, easily accessed by roads or rail, and with electricity transmission, market centres, habitation (helpful for employing people), and export servicing centres nearby. These areas were likely to be already used relatively intensively by local people and not just for farming. Land that was not under permanent cultivation was more often than not the collective asset of rural communities under local tenure systems. These communally held lands often make up the major land and resource asset of rural communities. Far from being idle or unused, such lands were crucial elements in the system of customary or indigenous landholding<sup>392</sup>, as they were major contributors to livelihoods; Such lands provide a huge range of forest products, areas for grazing and transhumance, for hunting and fishing. They were also often used for shifting cultivation bush farming or forest farming or held to be the reserve areas for generational expansion of cultivation. That is, while they were often large areas, communities deliberately sustain them as collectively owned and used and not available for permanent settlement or farming. Loss of access to any such lands had adverse impacts on local livelihoods. Pastoralists and forest-dependent people were particularly at risk given the nature of their land use and their need for large land areas to survive.

SOSUCAM in the extension of her land to increase the cultivation of Sugar cane and to meet the demand for sugar in the world market have develop conflicts with the rural population in Mbandjock and Nkoteng respectively. These conflicts were manifested in villages like Ebometendé, Simbane and Mbananga that resisted the cultivation of cultivation of sugarcane. SOSUSCAM reduction of arable land in these villages led to conflicts with the

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<sup>391</sup> W. Alden, L. Cotula, and M. Taylor. "Land Rights and the Rush for Land: Findings of the Global Commercial Pressures on Land Research Project". ILC, Rome, 2012, p.34.

<sup>392</sup> Cotula, "Land Grab or Development Opportunity? Agricultural Investment and International Land Deals in Africa". IIED/FAO/IFAD, London, 2009, p.37.



local population<sup>393</sup>. The population of Ebometende send a mission to the administration demanding for their land rights to use and settle in the land because the extension of SUSUCAM farms was reduces arable land and land for habitation the forest and cultivated land was about 70 haectares that SOSUCAM demanded for the extension of their farms.

**Plate 13: Land extension to SOSUCAM**



Source: Authors collection during field work.16 September 2020

The plate above indicates the extension of land signed in the “*bail emphytéotique*” in 2006 by Cameroon government to extention the land concessions granted to SOSUCAM by 10000 hactares. SOSUCAM started to prepare the land for the planting of sugarcane the raw material for sugar, which has developed conflicts between the company and the rural population.

These forest was used by the communities for hunting, farming and serve as a reserve for medicinal plants.<sup>394</sup> The “*bail emphytéotique*” gave 2452000FCFA to be given to the village every year for development. However, the members of the development authority embezzle this money yearly which has led to the death of somany villagers fighting for positions in the village development authority. This money was given as compensation for the land acquired by SOSUCAM<sup>395</sup>. As a result of the mismanagement, the administration decided that this money be deposited in in council so that the council can carry out

<sup>393</sup> Zelakwa Maguina, Rapport sur les Agro-Industrie dans le development des zone rurales et dans les strategies de developpement au Cameroun : cas de la SOSUCAM, 2013 P. 10.

<sup>394</sup> Interview Abanda Allo, Aged50, Community leader, Ebometendé, 13 July 2020.

<sup>395</sup> Interview, Mbeck Jeanette, Aged 45, Farmer, Ebometende, 13 july 2020.

developments in the villages. As concern exploited land compensation was given to individuals. For instance Abanda Allo lost one hectare of cassava farm to SOSUCAM and was given 300000frs as compensation<sup>396</sup>. Another conflict was in Simbane and Mbananga where 30 hectares of land was acquired by SOSUCAM and not all the villagers were compensated<sup>397</sup>. The villagers wrote complaints to the SDO and the SDO did not react this deprived them from their source of livelihood and rendered them poor. Access to land became a call for concern in these villages<sup>398</sup>.

Large Scale land acquisition by SOSUCAM in the Upper sanaga division has been a source of conflicts with the local communities. The rural population is deprived from arable land and forest which has been a source of wealth and health for the communities. They reserved the forest for their medical plant, hunting site and ancestral sites that have been destroyed by SOSUCAM in the course of the extension. In the course of compensation for the agricultural products not everybody is compensated and the compensation given to the village development authority is a source of conflicts between the villagers, death, corruption and embezzlement<sup>399</sup>.

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<sup>396</sup> Interview, Abanda Allo, Aged 50, Community leader, Ebometende, 13 July 2020.

<sup>397</sup> Biyoo Olinga, chef de groupement, 54 years, Simbane, 14 July 2020.

<sup>398</sup> Archives Uppee Sanaga we consulted that, *Tout commence le 10/06/2003, le Préfet de la Haute Sanaga convoque une réunion pour expliquer le projet d'extension des plantations de SOSUCAM à la sous-préfecture de Nkoteng. Ce jour, il a été convenu qu'une commission d'expertise devrait descendre sur le terrain rencontrer les populations des zones concernées, recueillir les doléances des populations et éclaircir les dites populations sur le bien-fondé de ce projet.*

*Le 21/11/2003, les populations de Mbananga adresse une correspondance, accompagnée de la liste des personnes à indemniser et les doléances des populations au Préfet appelant son intention sur le fait que la SOSUCAM avait déjà entrepris les travaux sur le terrain. Celle-ci est restée sans réponse et le 21/06/2004, les populations de Mbananga, toujours dans l'attente de la commission d'expertise promis par le Préfet, et comme le prévoit l'ordonnance 74-3 du 06/07/1974, adresse une 2<sup>e</sup> requête au Préfet pour attirer son attention sur l'intensification des travaux dans la zone Mbananga. Mais grande fût leur surprise d'apprendre le 20/04/06 que le Ministre des domaines et des affaires foncières présidait la cérémonie de signature du bail emphytéotique au profit de SOSUCAM et qu'une redevance annuelle de 4 132 480 FCFA sera allouée à la collectivité de Simbane, qui représente les 20% payable aux collectivités villageoises intéressés pour les réalisations d'intérêt général. Décret N° 2006/087 du 11/03/2006 et qu'une indemnité de 186 650 150 FCFA était accordée aux populations victimes des travaux d'extension de la SOSUCAM. Le 04/05/2006, les populations de Mbananga adresse une 3<sup>e</sup> requête au Préfet de la Haute Sanaga lui demandant la cause de ces abus d'autorité et la conduite à tenir, sans réponse. Le 4/06/2006, elles saisissent pour la 4<sup>e</sup> fois le Préfet lui demandant qu'une enquête soit ouverte à cet effet tout en dénonçant les abus et les préjudices causés aux riverains de Mbananga, sans suite. Le 27/06/2006, par voie d'huissier, les populations de Mbananga déposent un procès-verbal de sommation valant d'opposition à paiement à Biyo'o Olinga François (Chef du groupement Simbane et acteur de la machinerie) et sa liste déposée. Elles ont subi des menaces tant par le Préfet de la Haute Sanaga qui les a traité de subversifs que par la chaîne administrative de Lembe Yezoum et Simbane, or elles réclament une cause juste, légale et vraie.*

<sup>399</sup> *Le 05/08/2006, les populations de Mbananga sont saisies par le Préfet de ce qu'il effectuera une descente sur le terrain au lieu de Simbane et dans la savane litigieuse (Mbananga) en date du 11/08/2006 à 11H00. Le Préfet ne foulera le sol du village Simbane qu'à plus de 18 heures et refusa de descendre sur le terrain à Mbananga. Acculé par les populations, il propose une nouvelle commission de réexamen qui allait descendre dans les prochains jours « avant tout paiement ». Le 25/09/2006, invitées surprises à une réunion à Nkoteng entre le*

Moreover, the politics on land compensation between the administration and the Company and the traditional authorities that are members of the land consultative board have created a lot of bottlenecks in the compensation process<sup>400</sup>. The villagers support the fact that compensation is discriminatory and its not sustainable. They prefer to continue working on their land form generation to generation as the land that they are using was inherited from their Fore fathers<sup>401</sup>. They decry that their future generation will not have access to land for farming and for construction.

The rural communities insist on the fact that the government should protect the rights of the rural communities when granting large scale land concessions to companies sothat it should be sustainable form generation to generation like offering free education, free health services to the communities affected and the government should also allocate land where the communities can practice agriculture in other areas<sup>402</sup>. The rural communities owned land under customary land ownership that is not protected in the land ordinance. Land with noLand title is classified under National land in which the state is the custodian of land under national land and can give access to companies to exploit the land to meets its development objectives. During field work we discovered that the rural communities are not aware of a land certificate and see no need for it since they believe that the land belong to them and no body nor institution can claim ownership of the land<sup>403</sup>.

The communities are interested in transparency through access to information in agro-industrial land concession operations. Investors who wish to have a clear idea of the existing opportunities and the legal and social framework of the host country, populations wishing to know what are happening on their lands. Generally, the other parties have access to information apart from local communities. Information relating to the land transaction is no way available to the communities and transparency must essentially be understood as relating

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*Préfet, les responsables de SOSUCAM, les chefs de groupements et des collectivités concernées qui visait à trouver les voies et moyens pour le paiement des personnes victimes des extensions. Le Préfet, surpris de les voir, leur demande la conduite à tenir et elles répondirent clairement : « En ce qui concerne le paiement des riverains de la collectivité de Simbane, nous nous opposons jusqu'à l'arrivée de la nouvelle commission de réexamen qui lui apportera la lumière ». Il leur a promis d'envoyer sur le terrain avant la fin du mois de septembre, et avant paiement, car les revendications des populations de Mbananga sont réelles et fondées et qu'il y avait trop d'erreurs de la part de certains chefs qui ont induit le commandement en erreur. Le 28/09/2006, les populations de Mbananga, adressent une 6è requête à Monsieur le Préfet pour lui réitérer fermement « que l'opposition faite par elles contre le paiement des indemnités au village Simbane par rapport à la liste dressée par M. Biyo'o Olinga François qui habite à 5 km da la savane de Mbananga et qui n'avait pas droit reste valable ».*

<sup>400</sup> Interview, Abdou Adamou, Aged 45, Teacher, Mbananga, 13 July 2020.

<sup>401</sup> Interview, Ebobo Joseph, Aged 77, retired police, Ntokeng village, 12 July 2020.

<sup>402</sup> Interview, Ndongo Williams, Farmer, 75 years, Mbandjock 10 July 2020.

<sup>403</sup> Ngonu Jacob, Farmer, Aged 43, Nkoteng, 12 July 2020.

to the improvement of the possibilities of the population to have access to information which most of the time is confidential and detained only by the transacting parties. This approach conveys the impression of direct access to information which is an allusion<sup>404</sup>. The SDO called for a meeting to inform the population of Simbane, Mbananga and Ebomende on the extension of the SOSUCAM sugar Cane farms and not to discuss with the rural population. Apart from the publication of land award notices at the divisional and sub divisional offices of the area concerned, the publication of an order or a decree is an operation which communities do not consistently follow and it is only incidental that some consult the official gazettes that publishes legal texts.

#### **4. SOSUCAM and Land Management**

SOSUCAM in the upper Sanaga division have acquired vast hectares of arable land for Foreign direct investment. The management of land by SOSUCAM in this locality is mainly for the production of Sugarcane for the transformation in sugar. Access to land is critical for small-scale food producers. Lack of it defines landless farm workers. Losing it and becoming landless is feared by many smallholders, as it will mean losing food security and opportunities for development. Land also provides a space for social, cultural, spiritual and ceremonial events, and as such is essential for sustaining the identity and well-being of a community and its members. Many researchers have shown that secure access to or ownership of land is associated with significant reductions in hunger and poverty. This translates from the micro to the macro level, as was shown by World Bank analysis of land policies between 1960 and 2000<sup>405</sup>.

Countries that started with a more equitable distribution of land achieved growth rates two to three times higher than those with initially less equitable land distribution. Nevertheless, equitable access to and control over land is not high on the agenda of national and international policymakers. For women all over the world, lack of access to and control over land is a major determinant of gender inequality. The land management by SOSUCAM is for a period of 99 years as prescribe by the 2006 the “*bail emphytéotique*”. Demographic growth in the areas where these plantation area and the arrival of numerous workers and their families further increases pressure on land. This puts these regions at risk of serious localised conflicts that could spread and lead to national instability in the coming years. If the

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<sup>404</sup>Center for Environment and Development, Transparency in Cameroon Land Sector, Preliminary Case Study of the Cohabitation between Agro-Industries and Local Communities, Annual Report, 2013; p. 4.

<sup>405</sup> K.. Deininger “Land Policies for Growth and Poverty Reduction”, *World Bank Policy Research Report*, Washington, DC, and Oxford, World Bank and Oxford University Press, 2003 P. 27.

administration were to be scrupulous about respecting the rights and interests of communities, it would ban the allocation of land where villages exist, but the administration instead extend land to villages that was owned and managed by villagers in the locality of Mbanjock and Nkoteng.

Land in this village is owned and managed by SOSUCAM for a very long period of time as prescribed in the land concession. The Company pay a sum of 1 to 2 billion FCFA to the state treasury as tax every year<sup>406</sup>. Also the company deposits 20 million in the councils of Nkoteng and Mbanjock every year to support development projects in the locality<sup>407</sup>. The money is paid mainly because of the vast land they have acquired in the rural communities mainly to influence development in the rural communities. Land Management by SOSUCAM in the upper sanaga division have deprived the rural masses from access to arable land which is a main source of their livelihood since more than 70% of the rural population in the upper Sanaga division depends on land for their survival. Statistics show that more than 40% of the total land surface in the sub divisions of Nkoteng and Mbandjock is owned, managed and control by SOSUCAM<sup>408</sup>. This poses a serious problem on the future generation on access to land in these localities.

### **III. Elites and Large-Scale Land Acquisition in the Upper Sanaga Division**

Elites are also the main actors in large scale land acquisition in the upper sanaga division. Many elites have engaged in large scale land acquisition for agriculture. The efforts put in place by the government of Cameroon to promote second generation agriculture has influenced many administrative elites to acquire vast tracts of land to carry out large scale agriculture. Also the growing demand for agricultural products and the increase in prices of agriculture have increased the commercial pressure on land in the upper sanaga division by elites. The elites regard to land and agriculture as traditions that should be continued. This has led to the creation of plantations in the upper sanaga division by the elites to promote agriculture in the rural areas.

A growing number of elites in the upper Sanaga division that are more involved in large scale land acquisition purchase land as an asset for the future generation and investment for retirement. Rapid urbanization and rural poverty, which has been partly triggered by the

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<sup>406</sup>R. Euster Mbiem, Responsable de la formation et de la communication de SOSUCAM, Aged 40, Nkoteng, 22 July 2020.

<sup>407</sup> T. Owona, Director of Human Resource, SOSUCAM, Aged 48, Nkoteng, 22 July 2020.

<sup>408</sup> Faa Joseph, Community leader on the fight for community land rights, Aged 70, Nanga Eboko, 12 June 2020.

confiscation and registration of customary land by elites in their names have rendered the rural communities poor as access to arable land becomes a problem. This increase in the demand for land, which is a growing phenomenon, needs to be regulated<sup>409</sup>. Since the global food crisis of 2008 states have encouraged agro- investments by the private sectors. The development of large-scale land leases or acquisitions can be explained by the rush towards the production of agrofuels as an alternative to fossil fuels, a development encouraged by fiscal incentives and subsidies in developed countries, the growth of population and urbanization, combined with the exhaustion of natural resources. As a result, elites therefore see large-scale land acquisitions as a means to achieve long-term food security and increased demand for certain commodities. Elites acquire vast tracts of land because of their speculation on future rises of the price of farmland. This phenomenon has accelerated since the global food crisis of 2007-2008, because the markets for agricultural commodities were seen to be increasingly unstable and volatile<sup>410</sup>. It should be stressed that, large scale land acquisition by elites raises the issues of the future of smallholder agriculture and the increase in agricultural productivity. If the success of large farms in countries like Brazil is a plea to foster large mechanised farms in African countries, empirical evidence in African countries showed the poverty reduction role of small farms as well as large farms failures to promote agricultural and rural development.

Investment on land depends largely on land tenure security, and without secured tenure many investors will not commit to the investments. Most African countries become so aware of this fact that they have recently initiated two major processes that are progressively transforming the land governance landscape. On the one hand, they are making massive land allocations to national and foreign investors in agribusiness, mining, infrastructures, oil, etc. On the other hand, many countries are reviewing their land laws with the aim of creating business environment, free from factors that could lead to the hostility of local peoples. One defining feature of the African continent is that its rural communities depend heavily on land mostly lands currently sought by investors and claim customary ownership of up to 80% of all lands. In this context, designing land laws that are in full accordance of protecting

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<sup>409</sup> I. Sama et al, "An Assessment of the Evolution of Land Tenure in Cameroon and its Effects on Women Land Right and Food Security", *Perspective Development Technology Journal*, 2010, P. 14.

<sup>410</sup> V. Songwe and K. Deininger, Foreign Investment in Agricultural Production: Opportunities and Challenges, World Bank, 2009; Reuters, Factbox: Foreign forays into African farming, 2 March 2009; GRAIN, The 2008 land grab for food and financial security, 18 October 2008, available at: <http://www.grain.org/go/landgrab>; IFPRI Policy Brief 13, April 2009. Although it focuses on Ethiopia, Ghana, Madagascar and Mali, the joint study by IIED, FAO and IFAD, Land Grab or Development Opportunity? Agricultural Investments and International Land Deals in Africa, released on 26 May 2019.

customary land rights of those communities' is crucial. The market economy has now penetrated to the smallest and most remote community in Africa, along with its inevitable corollary, individualism<sup>411</sup>. The elite are very often the ones insisting on obtaining their own individual freehold titled land or pushing the community to request a land title. But even without them, traditional rulers have demonstrated their capacity to dispossess the entire community from their land. Protecting communities from themselves requires working on those drivers of individualism because, while the individual is taking more and more space across the region. Customary communities though without land titles continue to claim ownership of national land on the basis of customary ties and acquisition through first settlement or conquest. These influence elites to acquire vast tracts of land that are under customary land ownership for investment. The Cameroon land ordinance does not allocate the size of land an individual can purchase. This weakness in the land ordinance gives way to the elites to acquire hectares of land that can constitute a whole village in the upper sanaga division. Most of these elites use their political power to influence the rural population to sell vast tracts of land to them for investment<sup>412</sup>.

The LCB demonstrates a significant shift of the value of land from a deity to a commodity, and the control over land from communities to administrative authorities, some of whom have undermined community interest for their selfish economic interests. Some investors have exploited the weaknesses including the naivety of some local communities, to acquire land with the complicity of some state officials, elites, and local chiefs. Some elites use the administration power and position to frighten the local population that own land under customary land ownership to sell at very low prices to the elites. The circular N0.0001 of 24 March 1994 fixes the minimum rate for the sale of lands in the different sub divisions in Cameroon<sup>413</sup>. This circular is not respected when elites want to buy land in the rural communities as they buy lower than the value price especially in the upper sanaga division where there has been continuous pressure on land by the elites for investments. The table below indicates the elites in the upper sanaga division that have acquired vast hectares of land for investment in different localities.

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<sup>411</sup>*Ibid*

<sup>412</sup>Von Braun and Meinzen-Dick, Land Grabbing by foreign investors in Developing Countries: Risks and Opportunities. International Food Policy Research Institute, Policy Brief. Washington, DC, 2009, p.27.

<sup>413</sup> Ministry of State Property and Land Tenure, Land Tenure and State land in Cameroon : Laws and ordinances Decrees and Orders, Circulars and Instructions. January 2008.p.181.

**Table 8 : Elites Agricoles de la Haute Sanaga**

N°	NOM ET PRENOM	LOCALITE	ARRONDISSEMENT	SPECULATIONS	SUPERFICIE EN HECTARES
01	Issa Adelaïde	Lora	Bibey	Palmier A Huile	80
02	Mong Ekom	Bibey	Bibey	Palmier A Huile	10
03	Issa Justin	Ndoumba	Bibey	Cacao	10
04	Eyock Mback	Endoe	Bibey	Palmier A Huile	60
05	Mout Abalang	Wall	Minta	Cacao	40
06	Zanga Nicanor	Wall	Minta	Cacao	12
07	Nang Andre	Endoum	Minta	Cacao/Banane Plantain	10
08	Medong Salomon	Nguem	Minta	Cacao	10
09	nkotto angoula joel	Obo`O	Lembe-Yezoum	Palmier A Huile	50
10	vindi Obama	Endoundane	Lembe-Yezoum	Mais	200
11	Mbe Samuel	Nkolesang	Lembe-Yezoum	Palmier A Huile	10
12	Olinga Jenner	Simbane	Lembe-Yezoum	Cacao/Banane Plantain	10
13	Bessala Joseph	Ndanga	Lembe-Yezoum	Cacao	10
14	Mengang Salomon	Ndanga	Lembe-Yezoum	Cacao/Banane Plantain	50
15	Bessala Eustache	Tong	Nanga-Eboko	Palmier A Huile	30
16	Mvongo Gregoire	Akak	Nanga-Eboko	Palmier A Huile	20
17	Akok Yves Bernard	Mengoia	Nanga-Eboko	Cacao	10
18	Bina Bidoung Dieudonne	Edenagong	Nanga-Eboko	Palmier A Huile	20
19	kere kere Gilbert	Nanga-Eboko	Nanga-Eboko	Cacao	10
20	Nang Mindja Dieudonne	Akak	Nanga-Eboko	Cacao/Banane Plantain	15
21	Ngoua Evina	Mimbiam	Nanga-Eboko	Cacao	10
22	Endzana Felix	Mbargue	Minta	Cacao	30
23	Samba Antoine	Minta	Minta	Cacao	130
24	Eneke Valentin	Vela	Minta	Palmier A Huile	30
25	Mevengue Constantin	Akak	Nanga-Eboko	Cacao/Banane Plantain	10
26	Eyebe Justin	Nkoteng Village	Nkoteng	Cacao/Banane Plantain	30
27	Elomo Justin Christophe	Nkoteng Village	Nkoteng	Palmier A Huile	35
28	Nkoumdu Tsala	Meyosso	Nkoteng	Cacao/Banane Plantain	15
29	Boyan Francois	Pela	Nsem	Palmier A Huile	10
30	Bassoungui Thimothe Hilarion	Boundjou	Nanga-Eboko	Palmier A Huile	15
31	Engbwang Jean Robert	Ngoulimekong	Nanga-Eboko	Palmier A Huile	10
32	Ndouma Guy Bertin	Nguinda	Nanga-Eboko	Cacao	10
33	Pong Moni Pangam	Eseka-Gare	Nanga-Eboko	Palmier A Huile /Cacao	10
34	Dona Benjamin	Nsem	Nsem	Cacao	05



35	Ndong Constan	Mekon I	Nsem	Cacao	20
36	Onguene	Doua	Mbandjock	Cacao/Banane Plantain	20
37	Essomba Hilaire	Odock	Mbandjock	Cacao/Banane Plantain	20
38	Ndzesse Noah	Ndoreii	Mbandjock	Cacao/Banane Plantain	50
39	Etoa Mballa Jean Claude	Ekoum Ayos	Mbandjock	Cacao/Banane Plantain	15
40	Ngono Gisele	Ndo	Mbandjock	Cacao/Banane Plantain	30
41	Mbida Bessala	Ndjore Ii	Mbandjock	Cacao/Palmier A Huile	25
42	Tsala Jean Seidou	Ndjoreii	Mbandjock	Cacao	20
43	Tsala Jean	Biboto	Mbandjock	Cacao	15
44	Ande Arena	Oyila	Mbandjock	Cacao/Banane Plantain	25
45	Zemve Luc	Ndo	Mbandjock	Cacao/Banane Plantain	30
46	Motzebo Gabriel	Ndjore Ii	Mbandjock	Cacao/Banane Plantain	30
47	Olinga Eyebe	Oyila	Mbandjock	Palmier A Huile	10
48	Ndongo Essomba Thomas	Mekomba	Mbandjock	Cacao/Banane Plantain	50
49	Manga François	Mekomba	Mbandjock	Cacao/Banane Plantain	20
50	Njong Abanda	Mengang	NANGA EBOKO	BANANE PLANTAIN, PISTAGE	50
52	Evinando Samuel	Ebeng	NANGA EBOKO	CACAO, BANANE PLANTIAN	20
54	Etoa Angoula	Ebeng	Nanga Eboko	Maize, Pistage	70
55	Menoubo Mario	Minta	Minta	Babane Plantain	50
56	Angula Christienne	Tong	NANGA EBOKO	CACAO, PLANTAIN	25
57	Mbolong Gaberiel	Wassa	Bibey	Manoic, Plantain,Pistage	70
58	Ngoh Ferdinand	Minta	MINTA		150
				PLANTAIN, CACAO	50
59	Monobo Samnuel	Tong	NANGA EBOKO		
60	Romain Roland Eto	Akak	NANGA EBOKO		25

Source: The Archives of the Divisional Delegation of Agriculture and Rural Development.14 June 2020.

The table above indicate that the some of the elites in the upper sananga division that have acquired vast hectares of land in the different villages in the division. These elites control most of the fertile land in the locality that is accessible. The rush for agricultural land in the upper sanaga division is mainly because of the increase in the prices of agricultural products. According to the United Nations Food and Agriculture Organization, 1.02 billion people, or 15% of the world population, are currently undernourished, and food prices are set to rise with as much as 40% over the coming decade. Poor families that spend most of their income on food, even small price increases can have significant detrimental effects. The World Bank (WB) has estimated that 44 million people were pushed into poverty between the

summer of 2010 and February 2011 as a direct impact of rising commodity prices. However, on the global level there is no shortage of food in the world<sup>414</sup>. This has greatly influence the quest for vast tracts of land in the rural areas for agriculture investments in the rural areas in order to meet up with the worlds demand for food.

Also the need to invest in land since the believe that the prices of land will increase in the future and will sale at higher prices have also encourage elites to grab land in the rural areas in the upper sanaga division. The structural foundations of agricultural production were laid in large part by colonial powers, which prioritised export agriculture rather than domestic food security, socioeconomic development, or other populist goals. In the post-colonial period, most countries continued with a broadly similar economic model, but implemented protectionist policies in order to improve domestic food security particularly amongst the urban population. Many African governments lost the ability to chart their own policy because during the late 1980s and early 1990s, when crippling levels of foreign debt made them beholden to the World Bank, International Monetary Fund (IMF). The influence over agricultural policy-making remains significant today, even though overt conditions on aid are less common<sup>415</sup>.

The neo-liberal approach to agriculture and agricultural production promoted by the World Bank, IMF, as well as the African Development Bank encourages alienation of land from customary controls and the market transaction of land, a dominant role of the private sector in agriculture, and the removal of interventions such as subsidies and price controls. Aspects of the neoliberal model have become embedded within ideas of good governance embraced by UN agencies, international NGOs, and Northern governments. The soft power

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<sup>414</sup>It should be noted that there are contrasting views regarding the future need for food production. According to Bruinsma (2009) in Deininger & Byerlee (2010: 14), global production would need to rise by 70% by 2050 to cope with a 40% increase in the world population. Bruinsma estimates that agricultural production in developing countries will have to nearly double to meet rising demands for calories per capita. Others argue that, despite expectations of slow advances in technology and greater future resource constraints, current food production levels are sufficient. We will be able to meet future needs if we manage to reduce the high levels of waist in all levels of the food chain, improve the distribution and ensure the affordability of food. A recent report from SIK/FAO (2011) estimates that approximately 1.3 billion tonnes of food is lost or wasted annually. According to the report, consumers in industrialized countries waste almost 222 million tons a year, an amount which roughly equals the total net food production of sub-Saharan Africa. While recognizing the potential need to increase food production in the future, especially since the rate of resource use in the world has increased twice as fast as the increase in global population in the 20th century (UNEP, 2011), this paper argues that the reason for today's widespread under-nutrition cannot be attributed merely to the lack of food. While measures should be taken to control future resource consumption and population growth, the key to reduce the prevalence of hunger is to ensure universal access to food, though policy measures which tackle the challenges of distribution and affordability of sufficient quantities of nutritious food among deprived groups (Nabarro, 2011).

<sup>415</sup> Mathais Fonteh et al, *Guidelines for Sustainable Large Scale Land Deals in Africa*, Food and Agriculture Organisation, Tunis, 2017, p.26.

enjoyed by a number of key organisations tends to ensure that the neoliberal agenda is well-served in Africa. The commercial land grab taking place in Africa is a heterogeneous phenomenon<sup>416</sup>. The range of actors involved, the relationships between them, particularly the modes of control over land and labour, vary tremendously. The land rush is only the most overt aspect of a more insidious pattern of external control over decisions which critically local livelihoods in the global South<sup>417</sup>. This commercial pressure on land (CPL), popularly known as a global land grab or land rush, has been described as neo-colonial, due to the extent of control over land governments cede to foreign entities and elites. As a result of these deals, fears have increased regarding potential negative impacts on food security, local community relations, and environmental conditions. The rural communities lost control over land because most of the land in the upper sanaga division has been ceded to elites for their agricultural ventures.

### **1. Activities Carried Out on the Land**

A number of agricultural activities are carried out on the hectares of land acquired by the elites in the upper sanaga division. These activities are aimed at realising the government plan of vision 2035 and to meet with the second generation agriculture launched by the ministry of Agriculture and rural development. Some of the key tenants of this new generation agriculture were, enhance mechanization of agriculture, employment, reducing poverty to less than 10 percent, becoming a middle-income country, being an industrialized nation, and consolidating democracy and national unity. Poverty alleviation was mainly to bring poverty to a minimal level that can be tolerated at the social level notably by ensuring strong, sustained and job generating growth, increasing and extending social services like health, education, housing, water electricity and roads. The vision aimed at putting the poverty reduction strategy paper and the growth and employment strategy paper under review in the long term with the vision to foresee structural changes in the society<sup>418</sup>.

### **2. Crop Cultivation**

From table 7 above, the elites have engage in the cultivation of Cash crops and food crops with more emphasis on cash crop because of its high demand in the world market.

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<sup>416</sup> C. Nguena, Equitable and Sustainable Development of Foreign Land Acquisition in Africa : Lessons, Policies and Implications, *Global Scientific Journal*, 2015, p.23.

<sup>417</sup> W. Robbins, Toward a Global Doctrine of Customary Tenure? at <http://terra0nullius.wordpress.com/2010/02/17/the-african-commissionendorois-case-toward-a-global-doctrine-of-customary-tenure/> on February 2010 accessed on 13 June 2019 at 4:30 pm.

<sup>418</sup> Ministry of Economy Planning and Regional Development, Republic of Cameroon: vision 2035, Yaoundé 2009, p. 3.

Some of the cash crops cultivated by the elites in this locality include cocoa, palm nuts and plantains but the highly cultivated cash crop is plantain and cocoa in this locality. See plate 14,15,16, 17, and 18 portraying farms owned by elites in the areas under study.

**Plate 14: Banana Plantation Farm**



Source: Author's collection during field work 15 June 2020.

The plate above indicates the Banana plantation farm owned by one of the elites in the upper Sanaga division. 50 hectares of land have been acquired to cultivate Banana that is of high demand in Cameroon and the neighbouring countries.

The elites focused so much in plantain cultivation because of the high demand of plantains at home and in neighbouring countries especially Gabon, Central Africa Republic and Congo. Many elites sell their plantains in these countries at very high prices<sup>419</sup>. The elites have also involved in food crop production like cassava, maize and Egusi these crops are of high demand in Cameroon in general. The project by the Ministry of mines, industries and technological development to create an industrial plant in Nkoteng precisely for the transformation of cassava, maize and Egusi has encouraged the elites to grab vast tracts of land in this locality with the hope that when the project materialised they will grip the market in the supply of these products for eventual transformation added to the high demand of these products<sup>420</sup>. The high demand for egusi in the national and international markets has influenced the elites to engage in the cultivation of these products in the upper Sanaga division. Below are the pictures of these products on elite's farm.

<sup>419</sup> Interview, Angula Adeirne, Farmer, Aged 56, Nanga Eboko, 20 July 2020.

<sup>420</sup> Mukong Devine, Agriculture Engineer, Divisional Delegation of Agriculture and Rural Development, Aged 36, Nanga Eboko, 20 December 2019.

**Plate 15: Cassava Farm**

Source: Author's collection during field work 15 June 2020.

The plate above indicate cassava farm owned by one of the elites in the upper sanaga division that focused on the cultivation of Cassava. Cassava is one of the food crops that is highly consumed in the upper Sanaga division. As a results, elites involves in the cultivation of Cassava because of its high demand in the local markets.

**Plate 16: Egusi Farm**

Source: Author's collection during field work 15June 2020.

The plate above indicates Egusi at its germinating stage cultivated by one of the elites in the upper Sanaga. The high demand of Egusi in the local and international markets have

influenced the educated elites to involved in the cultivation of Egusi because of its profitability and importance.

**Plate 17: Cocoa Farm**



Source: Author's collection during field work 25 July 2020.

Cocoa is also one of the cash crops elites in the upper Sanaga have involved in the cultivation. This has been encouraged by the Ministry of Agriculture and Rural Development because of its high demand in the world Market. Common Initiative Groups have created in the upper sanaga division to encourage large scale cocoa farming.

**Plate 18: Maize Farm**



Source: Author's collection during field work 28 June 2020.

The elites have also encouraged the cultivation of maize in the study area. The plate above indicates maize at its mature stage ready for consumption.

The demand of these product in the international market is highly in the CEMAC zone where neighbouring countries like Gabon, equatorial Guinea, Congo Brazzaville high demand for Egusi. Many traders from these neighbouring countries come to Cameroon and buy this product in larger quantities and export it to their home countries. The elites large scale land acquisition and the major activities in these piece of land have led to the development of trans-boarder trade between Cameroon and other countries of the CEMAC zone. Upper Sanaga division have been one of the areas where agricultural produce are exported to CEMAC countries this is simply because of the the activities of the elites in large scale land acquired from the rural communities and that of the Multinational Companies involved in Agro- industrial investments in the Division.

### **3. Elites and the Rural Communities**

The elites and land large scale land acquisition in the rural communities have created a great impact to the rural communities. Most of the population in the rural areas works on the elite's farms transforming the rural population to labourers. Most of the rural dwellers work on the elite's farm for prestige to them to work on elite's farm is a sign of honour and respect in the rural areas. They also have the perception that the elites will help influence to secure jobs for their children. Thus, working in elite's plantation is a guarantee for the future of their children. In the same light most of the rural communities testify during field work that the elites are a force in their life. They provide the rural communities with food, cloth and pay their children school fees which is a big relieve to the rural population<sup>421</sup>. As a result, they prefer working in elite's plantation in other to benefit from these advantages.

It is very important to note that this vast tract of land acquired by the elites in the rural areas for agriculture and for speculative motives is mostly land under customary land ownership. When the acquire the land and put it in to utilization, they launched the process for the award of the land certificate which gives them the permanent right to land. The elites do not participate in the cultivation but they employ the rural communities to work in their farms which greatly impact the rural population as it transforms the rural communities to plantation

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<sup>421</sup> Interview with Etong Claire, Aged 40, Minta, 08 october 2020.

labourers<sup>422</sup>. The communities were ignorant of the procedures of land title and most of the land owned by the elites has been titles.

#### **4. Mode of Land Acquisition**

There are different ways elites in the upper Sanaga Division Acquire land for investment. We shall examine the various ways of elites access to land.

##### **a. Through purchase**

Most of the elites in the upper sanaga division acquire land through purchase. They buy vast tracts of land form the chiefs and family heads in the villages. During field work we discover that more than 60% of the elites that have acquired vast of land in the upper Sanaga division is through purchase form the rural population especially the chiefs and family head. Also, we discovered during our research that one hectare of land is sold at 100000frs to the elites and individual that wish to purchase land<sup>423</sup>.The liberalization of the plantation sector and the enforcement for more implementation of 1974 Land Ordinance enable elites to acquire and register extensive land in rural areas at the expense of the rural communities. The sale of land by the rural community in the upper Sanaga division to elites is a call for concern. This is mainly because of the future generation if care is not taken will not have access to arable land.

##### **b. Through Gifts**

Some elites in the upper sanaga division have acquired vast tracts of land through gifts form the traditional authorities of the communities because of their great contributions in the development of the locality. Their influence in the development of the locality influence the people to composite them or to acknowledge with land.This has been very common to administrative and political elites in the Upper Sanaga Division.During political campaigns,they tried as much as possible to participate in development projects in the communities. At a given moments, chiefs were mostly involved in politics and allocated vast tracts of land to the elites to appreciate them for their contributions in the development of the community.

Chiefs in Cameroon wereseen as custodians of the land and auxiliaries of the administration in the communities they rule as traditional rulers. Prior to European colonization, chiefs served as the custodians and guardians of the rural communities and the

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<sup>422</sup>Interview with Kara Mengolo, Aged 50,Trader, Nanga Eboko.

<sup>423</sup> Interview with Bina Bidang, Aged 60, chief, Bibey, 2 september 2020.



bastions of native laws and customs. This historically dominant role of chiefs in customary land ownership influence them to have power over community land that is recognized in modern law but not protected<sup>424</sup>. The recognition of the powers of the chiefs over customary land which gives them the power to manage customary lands was however handed to the DOs at the sub-divisional level with the nationalization of land by the 1974 Land Ordinance. Although the Cameroon land tenure laws of Ordinance No. 74/1/74, particularly Sect. 14 and 15, were intended to eclipse the customary land tenure system though this has not been the case. Customary land tenure is still a strong feature of land tenure even if tenure rights of such land holders are not legally recognized. For instance in the course of our research, we discovered that prominent elites in the upper Sanaga division like Ferdinand Ngoh Ngoh the minister of state, secretary general at the presidency of the republic of Cameroon was allocated land in Minta sub division as a sign of acknowledgement by the community for his contributions in the development of the locality<sup>425</sup>.

### **c. Through Inheritance**

Some elites in the Upper Sanaga division acquire land through inheritance. This is simply land that was owned by their forefathers that they inherit to invest on agriculture and other activities. For instance elites like Anugula Christienne and Etoa Angoula have acquired vast tracts of land at Ebeng through inheritance. This has permitted them to invest on the cultivation of agricultural products in the locality. The customary rule governing inheritance took mainly the patrilineal pattern in most Ethnic groups in Cameroon. That is, succession was appointed on the basis of the principle of male primogeniture. In this system of inheritance, the male children were entitled to inherit their father's property as family property and most often, the property was inherited by the first son or the most cherished son of the deceased. The families usually prefer the male child or relative to inherit property because it was customarily believed that he is bound to maintain and uplift the family identity even on marriage. For example, according to the Beti custom, women are totally excluded from land inheritance. Land is often transmitted from father to son and if the father has only daughters, the land generally would come back to the deceased's family member, that is to the male relatives and, very exceptionally, to a woman. It is worth remarking that women's restriction on the right to own property in most of the cultural set ups demonstrate the society's tendency of fostering gender inequality by promoting male domination over

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<sup>424</sup>L. Cotula, Over the Heads of Local People: Consultation, Consent, and Recompense in Large-Scale Land Deals for Biofuels Projects in Africa, *Journal of Peasant Studies*, 2010, 37(4) p. 893

<sup>425</sup>Interview with Ebong Jean Pierre, Aged 63, chief, Minta, 5 October 2020.

ownership of property, land inclusive. This worsens women's status and negatively impacts on their roles in the society<sup>426</sup>.

From the above analysis we can see that largescale land acquisition in the upper Sanaga Division by elites has different modes of acquisition. In the course of the research, we discover that 90% elites involve in large scale land acquisition in the upper Sanaga division are made up of the male sex. The females elites are hardly acquire vast tracts of land for investment in the locality. This posed the problem of gender on large scale land acquisition in the locality.

### **5. Elites and Land Conflicts in with the Rural Communities**

Large scale land acquisition in the Upper Sanaga Division by the elites has been a source of conflicts with the rural population. In Cameroon, the question of who owns land is contentious because the rules governing ownership are implied rather than clearly stated. Ordinance No. 74, Section 1, Subsection 2 of 6 July 1974 states, 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. This was supported by Decree No. 76/165 of 27 April 1976, which set the rules governing land tenure and the processes involved for obtaining a land certificate. Government officials representing the state adhere to the 1974 ordinance as the only legitimate tool to justify its ownership of land that lacks private ownership certificates. Section 1 of the ordinance is ambiguous and contradictory. It states that "the state guarantees to all natural persons and corporate bodies having landed property the right to freely enjoy and dispose of such lands".

The meaning of natural persons and corporate bodies is not made explicit; and the statement implies that local Cameroonian communities also have ownership, sale, and disposal rights. However, in reality this is not the case, because existing land laws do not fully recognise their customary tenure. Attempts by local government to restrict access to land and forest resources tend to contradict the generations-old system of customary land access. Communities have the right to use the topsoil, but they cannot claim ownership unless they have a land certificate. This statement suggests that, even with a land certificate, individuals might not have rights to subsurface mineral resources. Customary tenure institutions recognise land as a collective resource that can only be owned by communities or a group of people with a common lineage. Land belongs to a vast family, including the dead,

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<sup>426</sup> P. Sone, "The Concept of Equality and Access to Land : The Case of the Anglophone Region of Cameroon" PhD Thesis in Law, University of Buea, 2011, p. 128.

living, and unborn. Traditional leaders or family heads serve as custodians, and allocate land to individuals according to farming, hunting, and settlement requirements<sup>427</sup>. In the rural areas in the upper Sanaga division, many rural communities hold land under customary land ownership which have been a source of conflicts with the local administrators. We shall examine the case the land conflict between Fa'a Embolo Joseph and Roland Romain Eto in Nanga Eboko as an example of land conflicts in the upper sanaga division.

## 6. Joseph Faa Embolo Verses Romain Roland Eto

The conflict between Faa and Romain over land started in 2011, when Romain Roland Eto the Mayor of Nanga Eboko wanted to exploit 5hectares 50 acres of land in Nkot-nam a village in Nanga Eboko for public utility and was resisted by Faa Embolo Joseph<sup>428</sup>. This resistance influenced the Mayor to report the case to the judiciary which led to the detention of Faa Joseph and was realised on the 28 september 2011. On the 09 January 2019 the mayor again addressed the case to the judiciary on the misconduct of Faa Joseph on the land .He wanted to use it for public utility but was resisted by Faa Joseph<sup>429</sup>. Faa Joseph claimed that the land was family land that was inherited from their fore father and that the mayor wanted to use his political power to grab the land not for public utility but for his private interest<sup>430</sup>. Faa also expressed the view that a piece of family land at Akak village still in Nanga Eboko 10 hectares was seized by the Mayor seized and sold to Madam Meva'a Christaine which was their family land and he resisted<sup>431</sup>. The case is still ongoing in the Nanga Eboko court.

Law no.85/09 of 04/07/1985 lay down the procedure governing the expropriation for public purposes and the conditions for compensation. The law states that; "to carry out projects of general interest, the state may the resort to the procedure of expropriation for public purpose. This procedure may either be direct, if it is intended to carry out projects of public interest or indirectly, upon the request of local councils, establishments, public utility undertaking or semi- governmental corporations. Expropriation for public purposes shall exclusively affects private property as recognised by the laws and regulations. Persons affected by the expropriation shall be entitled to compensation in cash or in kind under the

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<sup>427</sup>F. Ndi, "Land Grabbing and the Axis of Political Conflicts: Insight from the South West Region Cameroon, *Africa Spectrum*, 2017, p.43.

<sup>428</sup> Interview with Romain Roland Eto, Aged 68, The Mayor of Nanga Eboko, Nanga Eboko, 10 March 2020,

<sup>429</sup> Interview with Ferdinand Tukov, Aged 54, Chief Supretendent of Police upper Sanaga Division, Nanga Eboko, 20 march 2020.

<sup>430</sup> Interview with Faa Embolo Joseph, Aged 70, community leader on land rights, Nanga Eboko, 12 March 2020.

<sup>431</sup> Faa Embolo Joseph, Aged 70, Community Leader on land rights, Nanga Eboko, 12 march 2020.

conditions define by this law. The compensation to be granted to a victim of expropriation shall be fixed by an expropriation decree. The expropriation decree shall entail the transfer of ownership as well as existing land title to the state or to any other public body that benefits from such a measure.

Expropriation shall give entitlement to prior compensation. However, in certain cases, the beneficiary of expropriation, may before actual payment of the compensation be made, occupy the premises as soon as the decree of expropriation published. Victims of expropriation shall be given six months notice, with effects from the date of publication of the expropriation decree, to evacuate the premises. The time limit shall be reduced to three months in case of urgency. A declaration of expropriation for public purposes shall suspend all transactions and developments on the land in question. Under penalty of incurable nullity, no building permit may be issued in respect of the area concerned<sup>432</sup>.

From the above legal rules and regulations governing the expropriation of land for public utility, The conflicts between Faa Joseph and the mayor clearly opens up a dilemma in the law as customary land ownership is not protected by the law. Also, land that is earmark to public utility must respect the procedure stated above before expropriation. From our findings we discover that the mayor did not follow all the above procedures which become problematic whether the land was really meant for public utility or for private expropriation. However, Faa claims that the mayor wanted to use his political power and position to seize the land for his private use. Faa also expressed the view that the 10 hectares of land at Akak that the Mayor grabbed was family land that he as the family head has resisted and two cases were still ongoing in the judiciary in Nanga Eboko though his family members are using the land in Akak for cultivation and in Nkot-nam he was constructing his house in the land and exploiting part of it for business<sup>433</sup>.

Large scale land acquisition by elites has become a source of conflicts with the rural communities. The convergence of diverse global factors food price volatility, the increased demand for biofuels and food feeds, in the world market has resulted in renewed interest in land resources, leading to a rapid expansion in the scope and scale of national acquisition of arable land in the upper Sanaga Division. Much of this land is on peripheral indigenous peoples' territories and considered a common property resource. Those who were

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<sup>432</sup> Ministry of State Property and Land Tenure, Land Tenure and State Lands in Cameroon: *Laws and Ordinances, Decrees and Orders, Circulars and Instructions*, 2008, p.22-23.

<sup>433</sup> *Indem*.

mostly threatened were the poor rural people with customary tenure systems including indigenous ethnic minority groups, pastoralists and peasants that needs land most. In the upper Sanaga division, large areas have been leased to foreign and domestic capital for large-scale production of food and setting up of agro- industries.

The land allocated is classified under the national domain where the state is the guardian or the custodian of the land. The second category of national land is classified by the state and other elites as unused or underutilised, overlooking the spatially extensive use of land in shifting cultivation and pastoralism. This threatens the land rights and livelihoods of ethnic minority indigenous communities in the upper Sanaga Division. The context and implications of contemporary global land grabbing, the scale, speed of acquisition and the changing agrarian structure has greatly affected the rural communities on access to land especially in the upper Sanaga division. The enormous scale and speed of expansion of multinational companies and elites land deals have greatly affected the rural communities on the changing agrarian structures, rural social relations and rural livelihoods. The contemporary large-scale land acquisitions as part of state strategy for consolidating and enforcing political authority and control over people and territory have great implications on indigenous ethnic minority groups<sup>434</sup>.

## **Conclusion**

Over the past decade the acquisition of arable land has expanded rapidly in the upper Sanaga division, although land has always been central to the livelihoods of millions of smallholders, the recent convergence of diverse global factors such as increase food prices, the increased demand for biofuels climate change, and the financialisation of commodity markets has resulted in a renewed and growing interest in land resources. Also, the government economic policies to boost agriculture, improve on the output of agricultural products , create employment and encourage mechanised agriculture has greatly attracted multinational companies and elites to engage in large scale land acquisition in the upper Sanaga division .

The government vision of Cameroon becoming an emerging nation by 2035 and the growth and employment strategy paper have laid more emphasis on the agricultural sector. All this have encouraged large scale land acquisition in the upper sanaga division. The land rights of the rural communities rarely extend beyond use rights, which are often unprotected

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<sup>434</sup> K. Deininger, *Rising Global Interest in Farmland: Can it yield Sustainable and Equitable Benefits?* Washington DC, World Bank Publications, 2011, P.45-47.

and weak making them highly vulnerable to being dispossessed and forced off their land more easily since most of the land in the rural communities do not have land certificate. The state can easily expropriate land legally for the public interest or for development purposes since the state is the custodian of land under the National domain. The Cameroon government have welcomed such large-scale land investments, considering them an opportunity to transform their agricultural sector as the backward subsistence-based smallholder farming particularly through technology transfer, the expansion of local infrastructure and rural employment generation.

Moreover, large-scale investments are also seen to ostensibly achieving national food security<sup>435</sup>. As such, the governments have responded by promoting investor-friendly land-market policies, such as low land rents, tax waivers, and limited restrictions on production and exports. When exploring the main issues embedded in recent large-scale land acquisitions, debates around their contemporary political economy have tended to follow one of two main lines of argumentation, the choice between one or the other influencing how a range of interest groups perceive and contest the politics around large-scale land acquisitions. The first line of argument focuses on the implications for local communities, arguing that such acquisitions threatened the livelihoods and food security of millions of poor rural people, as well as raising the risks of environmental destruction and social and political upheavals<sup>436</sup>.

The second line of argument is mainly spearheaded by international financial institutions and development agencies and constitutes the mainstream development discourse. It argues that, if managed well, large-scale land investments have considerable potential to contribute to multiple development objectives in the case of developing countries. While acknowledging the challenges and risks associated with the wave of these investments, this line argues that the said investments can be minimised and regulated to ensure that local communities are not adversely affected. To this end, mainstream arguments propose the need to improve the transparency and accountability of the deals and processes culminating in such investments, in order to translate the anticipated opportunities into a win-win deal one in which benefits will be shared equitably between local communities, host governments and investors.

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<sup>435</sup>Tsegaye Moreda, Large Scale Land Acquisition, State Authority and Indigenous Local Communities: Insight from Ethiopia, *Third World Quarterly journal*, 2017, P.8.

<sup>436</sup> S.M. Borras, "From Threat to opportunity? Problems with a 'Code of Conduct' for land-grabbing." *Yale Human Rights and Development Law Journal* 13, no. 1, 2010, Pp. 507–523.

From this optimistic standpoint, the World Bank, Food and Agriculture Organisation and the International Fund for Agricultural Development have proposed the Principles for responsible agricultural Investments which aim to regulate these investments for a better result<sup>437</sup>. The government claims that the land offered to multinational companies is land that is underutilized, unused or idle, which implies that such land neither belongs to, nor is used, by anyone. However, this claim tends to overlook existing land-use types and different categories of users in these areas. The use of land mainly by pastoralists and shifting cultivators in the targeted lowland areas is contested by the state, which perceives the former's land uses as essentially unsustainable or inefficient. Such a claim highlights the weak recognition of land rights and livelihoods of the rural communities. This official perception and image of existing land uses in the lowlands has proven formative in the design of state policy that focuses on leasing vast tracts of land to investors in these areas. For the state farmland investment provides an opportunity for extending its reach, exerting its power over peripheral areas and peoples, as well as for retaining and expanding the extraction of resources from such areas on a large scale<sup>438</sup>.

The land investment, which has primarily been driven by the state, can thus be a mechanism of retaining, consolidating and expanding foreign entities and elites to control land in the rural areas. Although new opportunities for national growth may be created from increases in land investments, fundamental questions still remain on the implications of these investments for the land rights of poor indigenous local communities who are barred from using the leased land. This is especially problematic given the scope and scale of the land acquisitions. Empirical evidence sparse with regard to actual and potential impacts of land use change on the poor<sup>439</sup>. While large-scale land acquisitions do not always result in local communities losing their land or having their livelihoods subverted, many recent acquisitions have, in fact, entailed the dispossession and displacement of rural households and the damaging of local livelihoods, food security, conflicts and access to key natural resources.

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<sup>437</sup>FAO, IFAD, UNCTAD & World Bank, Principles for responsible agricultural investment that respects rights, livelihoods and resources, 2010, at [http://siteresources.worldbank.org/INTARD/2145741111138388661/224533\\_21/Principles\\_](http://siteresources.worldbank.org/INTARD/2145741111138388661/224533_21/Principles_)

<sup>438</sup>World Bank, Gender and agriculture, Washington, D.C.: World Bank, Food and Agriculture Organization of the United Nations, and International Fund for Agricultural Development.2009, Available at: <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTARD/EXTGENAGRLIVSOUBOOK/0,contentMDK:21348334~pagePK:64168427~piPK:64168435~th eSitePK:3817359,00.html>.

<sup>439</sup> Food and Agriculture Organisation of the United Nations, *Guidelines for Sustainable Large Scale Land deals in Africa*, Tunis, 2017, Pp.20-21.

The state has the ability to determine who gets to use land and for what purpose. Given its current policies of promoting large-scale export-oriented agriculture based on foreign capital and technology, it is common for local communities to suffer as a result of large-scale land transfers. This is because they cannot effectively negotiate with or defend their rights against state and corporate actors in a situation of wider inequalities in bargaining power. The state formally owns the land and has extraordinary power to determine who does and who does not get to use land resources, how much, in what ways, and under what circumstances, making it particularly difficult for the rural communities to negotiate or secure adequate compensation from corporate investors or state actors. Land acquisitions threatened the economic, cultural and ecological survival of indigenous local communities that depend on customary forms of land access, control and whose livelihoods are based heavily on access to land<sup>440</sup>. The indigenous groups depend on a customary land tenure system of communal ownership and rely mainly on shifting cultivation for their livelihood. This is supplemented with other subsidiary activities, such as hunting, gathering, fishing, livestock<sup>441</sup>. Thus, large scale land acquisition by multinational companies and elites have a great impacts to the rural communities. In the next chapter we shall focus on the implications of large scale land acquisition to the rural communities in the Upper Sanaga Division.

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<sup>440</sup> Tsegaye Moreda, Large Scale Land Acquisition, State Authority and Indigenous Local Communities: Insight from Ethiopia, *Third World Quarterly journal*, 2017, P.18-19.

<sup>441</sup> S.A. Mvondo, C.L. Colfer, M. Brockhaus and R. Tsanga. "Review of the Legal Ownership Status of National Land in Cameroon: A More Nuanced view." 2008, *Journal on Environment service Research Program*, Yaounde, Cameroon, pp. 149-151.



## CHAPTER FOUR

### IMPACT OF LARGE SCALE LAND ACQUISITION IN THE UPPER SANAGA DIVISION

#### Introduction

Land acquisitions by multinational companies and elites in the Upper Sanaga Division have increased due to the financial and food crisis. The current dramatic increase in sales and leasing of land in the upper Sanaga division makes clear that land is an increasingly scarce resource in competition between various land use interests. Continued population growth, climate change and associated problems such as ongoing soil sealing, erosion, desertification and urbanization are increasing the pressure on land and other natural resources. At the same time, there is growing competition for a limited amount of agricultural land, due to rising demand for food, as well as biomass for industrial and energy use in national and international markets.

The state actors and private investors from industrialised and emerging countries are using long-term leases or purchase agreements to secure large areas of agricultural land in Cameroon to grow food or energy plants for export, a process described in international news headlines as land grab.<sup>1</sup> In the current financial crisis, land is also increasingly becoming a speculative asset for investors. The recent upsurge in FDI in land raises the hope to bridge the gap of decades of under investment in agricultural sector, but also threaten food security and increase the vulnerability of the rural population. The term global land grab has become highly politicized and describes the exponential increase in transnational commercial land transactions mainly around the large-scale production and exportation of food and biofuels<sup>2</sup>. It implies that countries from the Global North or domestic elites work with government in the Global South who enclose communal lands, typically in the name of development at the expense of the rural communities<sup>3</sup>.

Agriculture has been one of the targeted areas by the government of Cameroon to ensure food sufficiency and enhance economic growth and development. Since the food crisis in the 2000's that affected the whole world, the governments of Cameroon encourage large scale land investments mainly by multinational companies and political elites in order to

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<sup>1</sup> D. Gesellschaft, *Foreign Direct Investments in Developing Countries*, Eschborn press, Germany, 2009, p. 10.

<sup>2</sup> J. Borras, "Global Land Grabbing and Trajectories of Agrarian Change: A Preliminary Analysis." *Journal of Agrarian Change*, vol. 12, no. 1, Jan. 2012, p. 35.

<sup>3</sup> S. Savanah, *Man and Land: Competing Ontologies, Colonial Legacies and the Quest for Food Sovereignty* at <http://digitalcollections.Sit.Edu/isp-collections/2679> accessed on the 14 March 2018 at 6:30pm.

ensure food security. Large allotments of land were granted by the state to foreign investor to invest in agriculture in order to improve on agricultural production and increase the output of agricultural products in Cameroon. Cameroon has become the second most exploited land in Africa after Egypt as the hub of large-scale land acquisitions by states and private agro-industrial complexes mainly French, Chinese, Singaporean, Malaysian, Indian and American seek for large tracts of land in Cameroon for Foreign Direct Investment on agriculture<sup>4</sup>. These investors have been attracted into the country partly through generous tax holiday for agro-business ventures and the complete absence of any fees for the use of water resources for irrigation purposes. Cameroon with a total surface area of 475 442km<sup>2</sup>, Cameroon boast of 7.16million hectares of arable land which was increasingly up for grabs at the detriment of local communities and minority groups. About 276 000 hectares of land have been occupied by investors who exploit the land and its produce<sup>5</sup>.

Most rural communities in Cameroon provide subsistence and survival through their contribution to food security as small holder agricultural producers and subsistence farmers. The rural communities in the upper Sananga division are increasingly losing farmland to multinational companies and political elites and so questions the social development impact of LSLAs in terms of better living standards and reduction of poverty. Land scarcity resulting from expansion in agro-plantations has led to rural-urban migration among youths in search of alternative livelihoods. The socio-economic changes brought about by LSLAs that have not radically improved the lives of rural dwellers have made Cameroon one of the countries where LSLA investments have registered a high rate of resistance and scandals<sup>6</sup>. Land can be made available in three ways, which are all regulated by very specific conditions: it can be sold, assigned or leased on a temporary or permanent basis. The procedure were more or less tightly regulated depending on whether or not the land is in the public domain. It is usually relatively simple for investors, whose main focus is obtaining access to land and exclusive use rights to the areas they are allocated.

However, the process does not necessarily take account of the views and rights of local communities. Although their ownership and use rights are recognised under current legislation, they have little power to defend their rights or oppose land allocations, and have

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<sup>4</sup>V. Ngambouk Pemunta, "New Forms of Land Enclosure: Multinational State production of territory in Cameroon", *studies sociologia*, LXI on [Http:// www diva-portal org](http://www.diva-portal.org). p.38.

<sup>5</sup>N. Sama, "Cameroon Ranked Most Exploited Land in Africa", *The Post newspaper*, print Edition No. 01425. 26 March 2013, P.4.

<sup>6</sup>L. Forjong et al, *Large Scale Land Acquisition : Implications for Womens Land Rights in Cameroon*, Canada, International Development Research Center, 2016.p.81.

seen their lands greatly diminished. Land allocations are theoretically positive in terms of local development, as they create jobs and improve food security, infrastructures and the national balance of payments. In reality, however, cohabitation between agro-industrial enterprises and local communities has proved problematic and it is debatable whether local people derive any real benefits from it. In the contracts, agro-industrial projects should take account of the environment and respect environmental standards; experience has shown that agro-industries have many negative effects on the environment, causing loss of biodiversity, soil degradation and multiple forms of pollution<sup>7</sup>. We shall examine the positive and the negative impacts of large scale land acquisition in the upper Sanaga Division by multinational companies and political elites.

### **I. Positive Impacts of Multinational Companies**

In our research work, we focused on two main multinational companies in the upper Sanaga Division that is SOSUCAM and the Iko companies. We shall examine the positive impacts of large scale land acquisition and the activities on the land concessions to the rural communities by the Sino Cameroon Iko agriculture and SOSUCAM to the rural population and to the nation in general

#### **A. Positive Impacts of Sino Cameroon Iko Agriculture on the Rural Population**

Looking at the Sino Cameroon Iko agriculture in Nanga Eboko, one cannot deny the fact that it has brought about some remarkable gains to the local population. Though the vast tracts of land concession allocated to the company has not been put in to use in its totality, the 120 hectares under experimentation of crops an application have greatly affected the local population and the government to achieve her vision. Firstly, the agricultural venture created employment to the local population. Since 2006, more than 100 people from the locality of Nanga Eboko have been employed and trained in the modern methods of rice cultivation, cassava and maize<sup>8</sup>. These have greatly improved on the yields above all improved their standards of living. Also, the agricultural venture has ensured transfer of technology to the local population. The Iko in the experimentation and application process worked in collaboration with IRAD and the Ministry of Agriculture and Rural development

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<sup>7</sup> S. Nguiffo et al, *Agro-Industrial Investments : large Scale Land Acquisition in Cameroon...*, p.4.

<sup>8</sup> J.B. Tagne, "Enquête sur la Riziculture chinoise," *Quotidien Le Jour*, 18 August 2010. - at: <http://www.farmlandgrab.org/post/view/16485#sthash.71dlV1wG.dpuf>. Accessed on 26 November 2016.

to ensure effective transfer of technology<sup>9</sup>. Recently, the Center for Application of Agricultural Technologies is working in collaboration with the Chinese to ensure effective transfer of technology and follow up of the farmers to teach them on the production of seedlings and methods of cultivation all this to ensure effective transfer of technology to the local communities. Still under technology transfer, the cultivation process has also been effective though with some limitations. Some of the workers have been trained on how to operate tractors which is one of the steps to achieved governments objective of the mechanization of agriculture.

Furthermore, it has led to infrastructural development in the local communities. The Pilot Center for Agricultural technologies training was constructed in 2009 in Nanga Eboko that has helped significantly to empower farmers especially the youths and women with innovative skills on rice, maize and cassava production and to promote agricultural techniques<sup>10</sup>. Though the center has not been effective, the workers have acquired some skills which have helped to improve on the mechanisation of agriculture to achieve the government vision. The pilot center has improved on the infrastructural development in the locality. Still on infrastructure, the rural population have benefited from the improvements in road construction. The road leading to the pilot center and the cultivated site have been tarred which the community has benefited. This road was constructed to ease the evacuation of products to the town and to the urban areas. In addition there has been an improvement in Agricultural entrepreneurship to the rural population<sup>11</sup>. The rural population has become agricultural entrepreneurs as some of them have opened large scale farms focused on cultivation for commercialisation. This has increased agricultural output in the locality and has helped in the alleviation of poverty at the local communities and Cameroon in general. Moreover, the local communities have developed retail businesses to sale the improved hybrids to the local population. These have improved their standards of living and ensure a steady supply of high yielding varieties to the rural communities.

### **1. Positive Impacts of Sino Cameroon Iko Agriculture to the Government**

The impacts of the Sino- Cameroon Iko agriculture have also been faced at the macro level. The Government in signing this agreement was aimed at alleviating poverty creates

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<sup>9</sup> K. Deininger and Byerlee, Rising Global Interest in Farmland. Can it Yield Sustainable and Equitable Benefits? World Bank report, Washington, DC, Document de Strategie de Developpement du Secteur Rural(DSDR), 2005.pp. 15-20.

<sup>10</sup> Interview with Chin lii Huo, Aged 40, IKO/ CATAC, Nanga Eboko, 12 may 2019, .

<sup>11</sup> Interview with Devine Mukong, Aged 37, Divisional Delegation Ministry of Agriculture and Rural Development, Nanga Eboko,30 June 2020.

employment and promotes the second generation agriculture in order to achieve its vision in the growth and employment strategy paper and the emergency plan<sup>12</sup>. That's why the minister of Agriculture and Rural Development said

It's time for the people of Cameroon to understand that the future is in agriculture, it must move towards the mechanisation of its agriculture. It can no longer continue in these times cultivating with a hoe and a pickaxe. That will get Cameroon nowhere. Cameroon also needs considerable capital investments for the development of its agriculture<sup>13</sup>.

The agricultural venture has positively impacted the state as the land rents have been a major source of income to enhance developmental projects in the Country. The company pays land concessions to the state and tax which is a source of income to the government. The government used this income to carry out development in the country. Also, the agreement has increased Foreign Direct Investment in Cameroon which has contributed to an increase in the gross domestic product. Moreover, it has strengthened relations between Cameroon and China which have not only centered on agriculture but has spread to other fields to ensure that the state achieved its vision. China is one of the best partners of Cameroon when it comes to developmental issues.

## **2. Challenges Faced by the Iko Agriculture and Large Scale Land Acquisition.**

The Sino- Cameroon Iko agriculture since 2006 faced challenges in its operation and in the acquisition of land in Cameroon. The main aim of this agreement was to alleviate poverty and promote the mechanization of agriculture<sup>14</sup>. That is why the state granted concession of 10000 hectares of land in three main areas in Cameroon. In reality, poverty in the rural communities has remained a call for concern as most of the rural populations still live in abject poverty. Also, the mechanisation of agriculture has remained a nightmare as most of the rural population still carry out subsistence farming. This poses many challenges which will be examined in our subsequent discussions.

## **3. Food security and food sovereignty**

Food security is a situation where everybody has access to sufficient, nutritious and safe food at all times. It involves the management of food-related data from the local level to large-scale national or regional overviews and the support or supervision of the nutritional

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<sup>12</sup>Ministry of Economy Planning and Regional Development, The Republic of Cameroon vision 2035, Yaounde, 2009, p.4.

<sup>13</sup>Charles Nfongang, "Chinois au Cameroun: une Incompréhension Foncière", Available at <http://www.iprcc.org.cn/userfiles/file/Li%20Jiali-EN.pdf> accessed on 26 November 2018 at 6:50 pm p.3.

<sup>14</sup>CED, "Concession Contracts" at <http://openaccess.leiduniv.nl/bitstream/handle/etat.sequence=1>.

situation of the most vulnerable population groups. Food sovereignty is the total amount of food produces in a particular locality. Thus food security verses sovereignty and rural livelihood is a chain. The large allotments of land granted to the Iko agriculture to ensure food security and food sovereignty in the local communities is a challenged. The hybrid seeds distributed to farmers were to increase food security and sovereignty in the locality. This agricultural venture faced a challenge as the rural population has continued to leave in abject poverty and in their subsistence type of cultivation. Thus, food sovereignty and security remained a major challenge to the agricultural venture by the Iko Company. Organizing smallholder farmers using alternative technologies has a greater potential to sustainably enhance food sovereignty and security rather than allocating large concession of land to foreign investors.

#### **4. Inflation at the Local level**

One of the challenges faced by the Sino- Cameroon Iko agriculture in the locality is inflation of the goods produced at the local level. The maize seedlings are expensive which rural populations shy from purchasing to cultivate. The rice cultivated is not seen in the local markets .In the local market, the prices of agricultural products are very expensive. Some of the workers complaint that they cultivate rice in tones but they do not see where the rice go to<sup>15</sup>.The Sino Cameroon Iko agriculture that was out to improve on the cultivation of agricultural products an alleviate poverty at the local level has instead led to inflation of food prices which have rendered the local communities to abject poverty. Rice sold in the local markets is imported from china and sold at exhaubitant price to the local communities. The local communities have not embarked on rice cultivation. Some of the communities' complaint of the high cost of production and the lack of equipment's to engage in the rice cultivation. Also, the small quantity home produce rice is not consumed by the communities they prefer to go for imported type which cheaper than the home produce rice. To ensure the alleviation of poverty and improve the wellbeing of the local communities, the state should subsidize the production of agricultural products by the local communities so that they can withstand competition with the imported goods and also encourage the local population to consume home produce goods<sup>16</sup>.

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<sup>15</sup> Interview with Zang Dieudonne, field worker, Nanga Eboko ,35years, 7 August 2019.

<sup>16</sup> I. Sera Geldin, "Innovation, Food Security and Rural Development: Collaborations and Partnership". Global challenges Seminar, Geneva, 2016, Pp.1-4.

## 5. Challenges on Land Acquisition

Large scale land acquisition for Foreign Direct Investments has often posed some challenges to the host communities. In most cases, communities were not properly consulted prior to approval of the Large scale land acquisition. Consultation was often with only the chiefs and sometimes with only household heads. It was rare for the whole community to be involved<sup>17</sup>. Large scale land acquisition takes many local communities in surprise that is why the right of the rural population is neglected when signing land deals. The Iko agriculture was signed by the government of Cameroon and the people's Republic of China to engage in an agricultural venture in Cameroon. The president confirms the 10000 hectares of land in three localities in Cameroon. The local communities were not involved or did not participate in the negotiation of land deals most of them were taken unaware. Thus the right of the local communities and access to land was not taken into consideration which becomes a major challenge in large scale acquisition of land for Foreign Direct Investments.

Furthermore, large scale land concessions do not take into account customary land ownership<sup>18</sup>. Most of the land occupied by the rural population was covered by customary rights. The local population claim land ownership based on customary rights which are not protected by the land law. Land under customary ownership according to the law was classified under the national domain in which the state was the custodian of land under the national domain. As a result, when the state allocates large portions of national land to foreign investors, the rural communities face challenges as there is no protective legislature that covers customary land ownership<sup>19</sup>. The local communities are deprived from the land which is very important for their livelihood. This at times leads to conflicts between the local communities and the foreign investors. The Sino-Cameroon Iko agriculture engaged in the acquisition of large concessions which are still vacant. Thus, the local communities were to be compensated for the loss of productive use of national land that has been taken for agro industrial plantation. With the Iko agriculture, the compensation is still to be effective as the land is still vacant. The company has not put the land in to effective use.

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<sup>17</sup>L. Cotula, Sonja Vermeulen, and James Keeley, *Land Grab or Development opportunity? Agricultural Investment and International Land Deals in Africa*. Food and Agriculture Organization of the United Nations, International Fund for Agricultural Development, and International Institute for Environment and Development, Rome, 2009, at [www.ifad.org/pub/land/land-grab.pdf](http://www.ifad.org/pub/land/land-grab.pdf) p.25.

<sup>18</sup> S. Nguiffo, and Brendan Schwartz, *Illegality in Forest Clearings for Large Scale Agro-Industries in Cameroon*, CED, Yaounde, Cameroon, 2013, p. 15. At <http://www.corporatejustice.org/MGH/pdf>. Accessed on 13 December, 2016.

<sup>19</sup> M. Taylor, *Monitoring Large Scale land Acquisition?* Power point presentation presented at the GIGA International Workshop on Large-Scale Land Acquisitions, Hamburg, Germany, 10 May 2012.

Moreover, the local communities face the challenge of influencing land boundaries on the area concern or oppose land allocations. This means that if the state decides to transfer land from the national domain to foreign investors for Foreign Direct Investments, the community can only allow the land to the investor. In some land transactions, the consultative committee which is recognized by law is not consulted. The role of the consultative committee is very important in granting land concessions especially in taking into account the rights and interest of the local communities<sup>20</sup>. The land concessions granted to the Sino- Cameroon Iko agriculture were signed by the state and the Chinese government without consulting the land consultative board on the allocation of the concessions. That is why the follow up of their activities was slow by the administration.

## **B. The Perception of the Population on the Sino-Cameroon Iko Agriculture**

The general public has different perception as concerns the Sino- Cameroon Iko agriculture. In order to better understand the different views; we are going to look at the perception of the local population and the governments.

### **1. Local Population**

The Cameroon government entered into a responsible land deals with China to engage in agriculture on 2000 hectares of land in Nanga Eboko. This was mainly to enhance growth and development and above all improve the standards of living of the local population<sup>21</sup>. Since the agreement was signed in 2006, the Sino –Cameroon Iko agriculture limited started its operation first on the experimentation and application of rice, maize and cassava and the construction of a training center to train the local communities on the mechanization of agriculture<sup>22</sup>. After administering questionnaires to the local population and conducting interviews with the population, we discovered that the population had diverse view on the Sino – Cameroon Iko agriculture and the acquisition of large tract of land by the Iko company in the locality. Many people were for the fact that the population has benefited on the production of cassava and Maize. Rice has been a failure. At the level of technological transfer, employers working in the field consider technological transfer as a failure as all the technical works are still done by the Chinese expert. Also the conditions of working, time and

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<sup>20</sup> P. Kenfack, S. Nguiffo and T . Nkuntchua, *Land Investments Accountability and the Law: Lessons from Cameroon*, p.19.

<sup>21</sup> L. Cotula, Sanja Vermeulen and James Keeley, “Land Grab or Development Opportunity, Agricultural investments and international land deals in Africa”. IIED, FAO and IFAD, Rome, 2009. [www.ifad.org/pub/land/land-grab.Pdf](http://www.ifad.org/pub/land/land-grab.Pdf). Accessed on 21 november 2016 at 11: am. 39 [Http://www/21n0v/standard-tribune/chinese-boast-rice-production/online](http://www.21n0v/standard-tribune/chinese-boast-rice-production/online). accessed on 21 November 2016 at 10:30am.

<sup>22</sup> Interview with Missina Meng , Technician civil engineer, 57years, 7 August 2018, Nanga Eboko.



the amount paid to the workers is very little . As concern large scale acquisition, we discovered that the 120 hectares of and under cultivation for the experimentation of cassava, maize and rice was owned by individuals of Nanga Eboko which was later own acquired by the state and allocated to the Taiwanese in the 1960s, depriving them form access to arable land. Furthermore, we discovered that the Iko Company apart from the 120 hectares of land acquired from the state, they have acquired other land to make up the 2000 hectares in the locality in the neighboring villages which has not yet been exploited. Thus, the concept of large scale land acquisition for foreign direct investments is not a recent phenomenon<sup>23</sup>. This has developed in this locality from the Taiwanese in the 1960s before the Sino- Cameroon Iko agriculture company in 2006.

There is peaceful coexistence between the local communities and the Sino Iko agriculture except the issue of land acquisition which the local population argues that it deprived them from having access to land and that part of the allotments which was their ancestral, burial site and subsistence farming. This turn to raise some doubt as to whether the Sino- Cameroon Iko agriculture in Nanga Eboko has promote economic growth and development, mechanization of agriculture and help in the alleviation of poverty in the local communities. Moreover, we realized that it is not only foreign investors that signed contracts with the state that acquire large allotments of land for investment as national elites are also involved in large scale land acquisition for large scale agricultural production. This has greatly affected the community on access to arable land for their subsistence farming and above all has transformed many local entrepreneurs to plantation labourers.

## **2. On the side of the Government**

Enormous resources especially arable fertile land and human resources for productivity to meet the country's demand and even export to neighboring countries is available in Cameroon. The farmers just need the right training skills and material support<sup>24</sup>.The land laws in Cameroon opened land under the national domain for Foreign Direct Investment. The government perceives that Foreign Direct Investment will facilitate the government to achieve her objectives of mechanisation of agriculture, alleviation of poverty and to enhance economic growth and development all in the move towards an

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<sup>23</sup> E. Kenfack, S. Nguiffo and T. Nkuintchua, *Land Investments, Accountability and the Law: Lessons from Cameroon*, London, IIED, 2015 p.15.

<sup>24</sup> Jean-Bruno Tagne, "Enquête sur la Riziculture Chinoise," *Quotidien Le Jour*, 18 August 2010. - See more at: <http://www.farmlandgrab.org/post/view/16485#sthash.71dIV1wG.dpuf>.accessed on 26 November 2016.11:00am

emerging nation by 2035. That is why Cameroon's potential in rice and other cereals production and the government policy to encourage FDI attracted investment from China with the setting up of some large-scale rice farms by the Sino –Cameroon Iko Agriculture Development Company Limited in Nanga Eboko.

The company has also provided opportunities for training and technology transfer in high breed rice farming by rice farmers in Ndop in the Northwest. The scheme has not only boosting rice production in Cameroon but has also helping to improve on the Agricultural production, as well as add value to the country's second generation agriculture launched by the government since 2010<sup>25</sup>. The Government view the Sino Cameroon Iko agriculture in Nanga Eboko as an activity that accelerate economic growth and development, transfer of technology, create employment, reduce poverty and open up more opportunities for the local population. "We took the engagement to partner with the Chinese government in rice production not only because of their expertise in this sector but more because of their remarked interest to invest and promote agriculture in Cameroon in general<sup>26</sup>". As earlier mentioned, the company worked in synergy with the ministry of agriculture and IRAD to ensure effective transfer of knowledge. The recent operation of the center for Application of Agricultural Technologies really confirms the effective transfer of technology.

Large Scale Land acquisition is a strive towards the mechanisation of agriculture and the promotion of second generation agriculture to meet with the objectives of the state. According to the government, subsistence and fragmented farming on pieces of arable land cannot improve output. As a result, large scale land acquisition for mechanised farming will increase output. This will contributes to fight against food insecurity and food sufficiency, which will greatly, contributes in the alleviation of poverty in the country in general and in the local communities in particular.

### **C. Negative Impacts of the Sino Cameroon Iko Agriculture**

The government of Cameroon encouraged Foreign Direct Investments in other to enhance economic growth and development. The development of Cameroon should not depend on Foreign Direct Investment. The imperialistic rule of multinational cooperation in extracting raw materials, exploiting surplus labour and rendering the economy vulnerable to

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<sup>25</sup> Ibid,p.17.

<sup>26</sup> Interview with Henry Eyebe Ayisi, Cameroon's minister of agriculture and rural development, *Cameroon Tribune* paper no 11496/7539 of 16 October 2016 ,p.3.

foreign intrusion have negatively impacted the population<sup>27</sup>. The Sino Cameroon Iko Agriculture and large-scale land acquisition have to a greater extent negatively affected the local communities. The main objective of this agricultural venture was to achieve the government's vision in the GESP and the emergence plan mainly to alleviate poverty and promote the mechanization of agriculture in the local communities. Since 2006, the rural population has continued to practice subsistence agriculture and their living conditions remains the same this becomes a point of concern as the effects of the Sino Cameroon Iko agriculture have negatively influence the local communities. The transfer of technology has not been effective. The workers in the field complaint that all the technical operations in machines are done by the Chinese, that there is no transfer of technology to the population as the Chinese workers do all the technical work while the local worker carryout unskilled labour<sup>28</sup>. The only area of technological transfer was in the experimentation process between the Chinese, IRAD and CATAC.

The pilot centers since its construction have not yet gone operational to ensure effective transfer of technology. Thus, the transfer of technology has not been effective. This has posed a problem on the government vision of the mechanization of agriculture. Also, the rural population has faced the problem of seasonal employment, during the production process. They were employed to work in the application fields mainly unskilled work after the field have been prepared, the workers wait for the harvesting and packaging. This leads to seasonal employment which greatly affects the workers and their living conditions fluctuates. Furthermore, the high yielding varieties of seeds produce are not in most cases utilised by the local communities. Most of the farmers still cultivate their traditional seedlings. Thus, poverty and low yields have continued to be a problem to the local communities. Moreover, the seedlings produce mostly target large scale producers rather than local producers. Also, the workers complaint that working in a Chinese plantation means running eight or ten hours nonstop under the sun and the rain for 2500frs which at times takes a long time before the wages are paid<sup>29</sup>. More so, lack of transparency and information flow between the local population and the company have adversely hampered the smooth functioning of the agricultural venture. This has poisoning relationships between citizens, consumers and the company<sup>30</sup>.

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<sup>27</sup>W. Rodney, *How Europe under Developed Africa*, London, Bogle- 1, ouverture. 1973, P. 30

<sup>28</sup> Interview with Zang Dioudonne Aged 35, field worker, Nanga Eboko, 7 August 2019.

<sup>29</sup> Interview with Nga Essam, Aged 49, former worker, Nanga Eboko, 7 August 2019.

<sup>30</sup> Interview with Romain Roland Eto, Mayor Nanga Eboko , 68years, 16 June 2020.

Large scale land acquisition by the Iko company, have since 2006 acquire large tracts of land which have been left vacant depriving the rural population from arable land. Transparency in granting land concessions for foreign investment is one of the negative effects in this agricultural venture. Access to information is a problem as the local communities are not aware of the amount of concessions granted by the state. The concessions granted to the Sino- Cameroon Iko agriculture were unsure by the local communities as some indigenes say they have acquired more than 4000 hectares while others talk of 6000hectares<sup>31</sup>. In most cases, access to information about ongoing project appear in the press, but it is impossible to verify the figures that are published or find out what these projects intend to do on their concessions. Although the administration published a list of sites that were likely to be allocated for forest concessions, it's not the same for land concessions. Furthermore, negotiations between investors and the state are not public and take place without the participation of parliamentary representatives. Contracts are usually hard to access even when they were not covered by a confidentiality clause and these clauses are becoming much stricter.

The parties concerned respect the confidentiality clauses that are in place and take care to keep their commitments confidential when they are not. Accompanying documents where they exist are also confidential, especially site maps and terms and conditions<sup>32</sup>. Obtaining information about the concessionaries operations is extremely difficult even when they could have a direct impact on the health of local communities and the surrounding environment through their activities and inputs for example, little is known about the companies tax situations, which vary from one project to another.

The fiscal arrangements for land concessions usually differ from the ordinary law and are covered by special measures agreed when the contracts are negotiated with the result that there are almost as many fiscal regimes as there are land concessions<sup>33</sup>. Neighboring communities and communes have interest in obtaining information about the amounts of taxes and duties paid by these companies, as the law gives them the right to receive some of this money through ground rents when the site concerned is on national land. The local communities are not informed about the real nature and scope of the rights granted to the concessionaries, and the obligations imposed upon them. Thus, access to information turns to

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<sup>31</sup> P. Kenfack, S. Nguiffo and T. Nkuntchua, *Land Investments Accountability and Law: Lessons in Cameroon*. London, IIED, 2016, p.12.

<sup>32</sup> S. Nguiffo and MichelWatio, *Agro Industrial Investments in Cameroon*, p .47.

<sup>33</sup> Interview with Ndjock Sassoh Jacob, Aged 89, Retired teacher, Nanga Eboko, 19 August 2019.

influence the local communities in granting land concession by the state to foreign investors<sup>34</sup>.

Furthermore, access to land is also one of the negative effects of large scale land acquisition to the rural population. Accessed to arable land by the local communities become a problem when the state grant large scale land concessions for Foreign Direct Investments. They look for the most fertile areas to acquire the large allotments of land which deprive the local population from access to arable land. The 2000 hectares of land concessions granted by the state to the Sino Cameroon Iko agriculture in this locality deprived the rural population from access to arable land and natural resources. This was mainly because land at the rural area was mostly covered by customary land ownership which is not protected by law<sup>35</sup>. As such, this land classified under the national domain in which the state is the custodian of land under the national domain. These lands allocated to foreign investors to enhance Foreign Direct Investment and to ensure economic growth and development. The 2000 hectares of land allocated to the Iko Company in Nanga Eboko puts only 120 hectares under cultivation. The other concessions are still vacant which deprived the local communities from access to utilized these land .Convention established may commit the government to allocate land, but it may not be followed up by an actual land lease, or the lease may concern the locality.

Moreover, compensation is also one negative effects faced by the rural population .It takes a long time and what is compensated are the products and not the land. Land is only compensated when it is covered by land title. Customary land ownership does not protect the land to be compensated in case of land acquisition. The land law allows occupants of national land to be compensated before the occupation of the land the community waits for decades for compensation<sup>36</sup>. However, the Iko Company has acquired large tracts of land in Nanga Eboko but the local communities have not been compensated. Since 2006 that the agreement was signed, the communities are still waiting for the compensation which turns to deprive the local communities from access to land. Also, large scale land acquisition for agricultural investments in the locality leads to the displacement of people whose livelihoods depend on

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<sup>34</sup>P. Kenfack, *The Legal and Institutional Framework On Access to Information*, p.25.

<sup>35</sup>Etude de Base sur la Transparence et la Participation dans les Procesus D, attribution et de Gestion des Concessions Foncières et Minières. Rapport produit par RELUFA ET CANADEL, p. 54.

<sup>36</sup> W. Alde, "Whose Land is it? The Status of Customary Land Tenure in Cameroon", [www.ifad.org/pub/land/land-grab.pdf](http://www.ifad.org/pub/land/land-grab.pdf), p .10.

access to some of these resources since demand tends to focus on higher value and-better access to irrigation potential and proximity to markets<sup>37</sup>.

In addition, large-scale production turns to bring about environmental and social impacts which affect the local communities<sup>38</sup>. The contamination of waters and the use of chemicals such as pesticides and fertilizers affect the community. The Sino- Cameroon Iko agriculture has brought social impacts in the locality. The contamination of river Sanaga with chemicals and the use of pesticides have created environmental hazards which have affected the local population especially the population involved in fishing. More so, the rents paid on the land concessions to the state are not felt by the rural population. 10% of the amount according to the law should be used in the development of the locality that the concession has affected. The trickledown effect becomes a problem.

Large scale land acquisition rarely takes into account demographic growth and as concessions are usually for long periods they inevitably lead to land shortages in future<sup>39</sup>. The government signed concession with the Sino Cameroon Iko agriculture to acquire 20000 hectares of land for a period of 99 years. They did not take into account demographic growth which turns to affects the future generation of the local communities. Long term land concessions have been signed by the governments and foreign investors to acquire large scale land for agriculture without taking in to consideration the demographic growth. This effects sustainable development in the local communities.

From the above analysis the Sino Cameroon Iko agriculture and large scale land acquisition have to a greater extend negatively affects the local communities. The government plan to alleviate poverty and promote mechanised agriculture should not be left in the hands of foreign investors. This is because foreign investors protect their interest and not the interest of the rural population. Also, the allotments of large tracts of land by the state to foreign investors negatively affects the rural population as it deprived the local communities from land and deprived the future generation from access to land which will in future increase poverty in the rural communities.

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<sup>37</sup>Centre for Environment and Development [CED] “ La transparence dans le secteur foncier au Cameroun. Etude de cas Préliminaire de la cohabitation entre agro-industries et communautés locales et autochtones”. CED, Yaounde, 2013, p.15.

<sup>38</sup> L. Cotula, Sonja Vermeulen, and James Keeley, Land Grab or Development Opportunity, Agricultural Investments and International Land Deals in Africa. IIED,FAO and IFAD,Rome 2009, at [www.ifad.org/pub/land/land-grab.pdf](http://www.ifad.org/pub/land/land-grab.pdf). p.11.

<sup>39</sup> M. Richard, Social and Environmental Impacts of Agricultural Large Scale Acquisition in Africa. Washington DC, Rights and Resource Initiatives, 2013, p. 24.

## **II. Impacts of SOSUCAM and Large Scale Land Acquisition in the Upper Sanaga Division**

Large scale land acquisition by SOSUCAM in the Upper Sanaga Division especially in the localities of Mbandjock and Nkoteng has been on the rise for the cultivation of sugarcane. The aggressive rush for land by multinational companies, governments in most countries in Africa are promoting land based investments on the premise that this will bring employment, improvement in infrastructure and national economic growth. However, despite the official arguments to support large scale land deals, the alarming land rush is posing serious challenges to local and indigenous communities who for time immemorial have been depending on their land for family agriculture and other activities to support their livelihood<sup>40</sup>. We shall examine the impacts of large scale land acquisition by SOSUCAM to the rural population in the upper Sanaga division.

### **A. Positive Impacts of Large Scale Land Acquisition by SOSUCAM**

SOSUCAM is one of the multinational companies that have been in Cameroon for a very long time. As a result, the company has greatly impacted the rural communities and the government in general.

### **B. Positive Impacts to the Local Communities**

Many activities have been carried out by SOSUCAM in order to ameliorate the living conditions of the rural communities in the localities of Mbandjock and Nkoteng respectively. One of the positive impacts of SOSUCAM and large scale land acquisition in the Upper Sanaga Division is employment. The company is the third in terms of employment in Cameroon after the states and CDC. The company has employed over 80000 people from the rural communities to work on the land acquired and in the factories. This has greatly improved the standards of living of the rural communities and they have acquired skill in the cultivation of sugar cane and also in the transformation process.

The company employed individuals from the rural communities with no qualification and trained them for 2 years to perform a particular task in the company. This has greatly enhanced technological development in the processes and skills in the production and transformation of sugarcane into sugar. SOSUCAM employs the rural population under the slogan « *à compétence égale, embouche locale* ». SOSUCAM employs over 80000 personnels

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<sup>40</sup> ACDIC, CED and Friedrich Ebert Stiftung, *Plaidoyer pour une Réforme du Régime Juridique des Cessions de Terres à Grande échelle en Afrique Centrale : Document cadre*, Yaoundé, PUA, 2012, p.8.

with women representing 18% of the total employed personnels. It is important to note that the permanent workers are about 2000 while the rest are temporal workers. The creation of employment to the rural population has greatly impacted the lives of the rural communities.

Also, the Company have contributed in rural development by providing social amenities to the rural communities. SOSUCAM has constructed bore holes in many villages and schools in Nkoteng and Mbandjock to solve the problem of portable water in the locality. For example in 2013, the company constructed six bore holes worth 15 million farnes in the villages of Nkoteng Village, Zilli, Ebometendé, Meyosso, Messessa Simbane<sup>41</sup>. The company has also constructed a bore hole in the Government primary school Nkoteng. This has greatly benefitted the rural population to have access on portable drinking water as it is often said that water is life. The company has also constructed roads and bridges to link villages and to ease the evacuation of the sugarcane form the farms to the factories in the localities. This has greatly benefitted the rural communities as it has also ease the movement of people and goods form one geographical area to another. For example in 2015, SOSUCAM constructed two bridges worth 18 million in the villages of Dou and Messessa. Still in the transport sector the company has provided free transport facilities to the rural population in the vicinity of the plantation site. There are vechiles circulating within the plantation site that transport workers, non-worker and students within the confines of the plantation for free. The rural masses have benefited from these transport services especially those moving over long distances to practice farming<sup>42</sup>.

Moreover, in the domain of Education, SOSUCAM has constructed classrooms in the Government primary school Mbandjock to enhance education. In Nkoteng there is a primary and the secondary school in the plantation site to enable the workers staying in residential camps to send their children to this schools. The local communities also benefits from the school as the school are opened for every body. SOSUCAM at the end of the year also provides scholarships to brilliant students that distinguished themselves. This is mainly to encourage hard work and competition among the students. In the domain of health, we discovered the field work that SOSUCAM played great rule in the fight against corona virus, the company provided washed hand basins, detergent and face mask to the communities. The company place washed hand basins at the entrance to Nkoteng in other to ensure safety measures as the virus. Moreover, the Company has provided a health center in the locality for

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<sup>41</sup> Interview with Chuffu Martin, Aged 38, Communication Department SOSUCAM, Mbandjock, 20 July 2020.

<sup>42</sup> Interview with Longene Patrick, Aged 35, Legal Department SOSUCAM, Nkoteng, 14 July 2020.



plantation workers and for the community in general<sup>43</sup>. This has greatly contributed to increase the life expectancy in the communities as access to health services is not a big problem to the rural Communities thanks to SOSUCAM.

### **C. Positive Impacts to the Government**

The first myth that underpins large scale land acquisition is that there is an availability of excess land with which investment can be turned into income and jobs creation. Worldwide the areas being targeted for this kind of large-scale investment are being portrayed on paper as empty, marginal, idle or degraded land, largely unpopulated, unused, unproductive, and unlikely to compete with local food production<sup>44</sup>. This influence the government to adopt an open and proactive approach in dealing with investors to ensure that investment contributes to broader development objectives. SOSUCAM and large scale land acquisition has impacted the government to encourage investment and boast the economic growth and development of the territory. SOSUCAM as an Agro- industrial company have improve on the productivity of sugarcane and the transformation of sugarcane to sugar which has help the state to gain foreign earning and improve on its export products. Larger-scale farming provides opportunities to the government with large agricultural sectors and ample endowments of land gain opportunities in the international market. The rural crisis of persistent chronic poverty and widespread hunger is mainly because of lack of investment. Therefore the upswing of SOSUCAM interest in land is portrayed as a must-seize opportunity, to the Cameroon government to improve on the economic might of Cameroon.

Also, the land concessions paid to the government and the tax paid yearly is a source of income to the state. The government then use this income to carry out development projects in the nation. The Company pay a sum of 1 to 2 billion FCFA to the state treasury as tax every year<sup>45</sup>. Also the company deposits 20 million in the councils of Nkoteng and Mbandjock every year to support development projects in the locality<sup>46</sup>. The money is paid mainly because of the vast land they have acquired in the rural communities mainly to influence development in the rural communities. Land Management by SOSUCAM in the upper sanaga division have deprived the rural masses form access to arable land which is a

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<sup>43</sup> Idem

<sup>44</sup> Jennifer Franco, Global Land Grabat <http://www.tni.org/work-area/agrarian/justice> accessed on 20 February 2020.

<sup>45</sup> R. Euster Mbiem, Aged 40 , Responsable de la Formation et de la Communication de SOSUCAM, Nkoteng, 22 July 2020.

<sup>46</sup> Interview with Owona Trierry Désiré, Aged 48, Director of Human Resource , SOSUCAM, , Nkoteng, 22 July 2020.

main source of their livelihood since more than 70% of the rural population in the upper Sanaga division depends on land for their survival. Thus, large scale land acquisition by SOSUCAM boast the image of Cameroon in the international market as one of the sugar producing company.

#### **D. Negative Impacts of Large Scale Land Acquisition by SOSUCAM**

One of the major adverse implications of large scale land acquisitions by SOSUCAM to the rural communities in the Upper Sanaga Division is loss of local land rights and landuse practices. The indigenous ethnic groups in the region mainly depend on shifting cultivation. Natural resources are the source of basic livelihoods for these communities, on a common ground that provides for gathering forest foods, hunting, fishing and honey collection. The land resources are ideally communal property and rights to these resources are derived from the community. In their customary communal tenure system patrilineal kin groups or clans own all the resources inside the clan territory, which is marked by land features such as rivers, hills, big trees, roads and footpaths. The community makes decisions regarding the overall utilisation of natural resources, while individual members possess only usufruct rights. However, recent increases in large-scale land acquisitions have been affecting this traditional system, leading in turn to the deprivation of local people's right to access their traditional sources of livelihoods<sup>47</sup>.

Large scale land acquisition in the upper Sanaga division have negatively impacted the rural communities as access to arable land becomes a problem to the rural masses. Land is a basic livelihood asset and the principal form of natural capital which provides food, income and a range of natural resources to rural communities. The loss of land to capitalists/investors presents a major socio-economic constraint to the rural communities. Land is a basic livelihood asset and the principal form of natural capital which provides food, income and a range of loss of land to economic constraint to affected communities<sup>48</sup>. Poor land governance in rural areas in Cameroon usually manifest in the form of security of land tenure, land rights, expropriation and compensation. No matter how it manifest, it usually has a negative impact on the economic viability of the poor rural people thus fostering rural poverty<sup>49</sup>. According to a new World Bank report "Securing Africa's Land for Shared Prosperity", more than 90

<sup>47</sup>M.Tsegay, Large-Scale Land Acquisitions, State Authority and Indigenous Local Communities: Insights from Ethiopia, *Third World Quarterly journal*, at <https://doi.org/10.1080/01436597.2016.1191941>, 2017,p.20.

<sup>48</sup>L. Forjong et al, *Large Scale Land Acquisition : Implications for Womens Land Rights in Cameroon*, Canada, International Development Research Center, 2016.p.114..

<sup>49</sup> L. Nyassi Tchakonte, The Impact of Poor Land Governance on the Reduction of Rural Poverty in Cameroon, *World Bank Conference on Land and Poverty*, Washington DC, 2017, p.15.

percent of agricultural rural land in Africa is not registered, which facilitates phenomena such as land grabbing and expropriation without substantial compensation<sup>50</sup>. Large scale land acquisition in the upper Sanaga division deprive the rural population from access to arable land which is a source of their livelihood. The negative impact of large scale land acquisition to the rural masses is mainly because of the way the land law is structured. Most of the rural communities hold land under customary ownership that is recognized by the law but not protected. Land in the rural communities is classified under National land in which the state is the custodian of land under this domain.

The 1974 and 1976 land reforms have had little impact on land ownership in the country as less than 20% of land is titled. Consequently, most lands today that are untitled are national land held under customary tenancy without security. Ironically, customary communities though without land titles continue to claim ownership of national land based on customary ties and acquisition through first settlement or conquest. This legal illiteracy of the communities in land ownership makes them vulnerable to some unscrupulous investors who with the complicity of some elites have acquired and taken control of what was hitherto considered communal land. In terms of management, national land is jointly governed by the state and customary communities through the Land Consultative Board (LCB). The board is chaired by the local administrative officer and customary communities are represented by the chief and his two notables.

The LCB demonstrates a significant shift of the value of land from a deity to a commodity, and the control over land from communities to administrative authorities, some of whom have undermined community interest for their selfish economic interests. Some investors have exploited the weaknesses including the naivety of some local communities, to acquire land with the complicity of some state officials, elites, and local chiefs. The processes are non-transparent and neglect the free prior informed consent of customary communities who although without security of tenure depend solely on the land for livelihood, pushing these communities therefore to resist some of the deals. To appease and get affected communities on board, investors and government enter into informal negotiations with chiefs, elites and community leaders whose land has been taken, and in the process entice these communities to cede their land by signing very vague and sometimes elusive MoUs that do not compel the investors to carry out any concrete development beneficial to

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<sup>50</sup> « Transformer l'agriculture, stimuler la croissance et mettre fin à l'extrême pauvreté en Afrique ». (2013). press release of the world Bank on July 22, 2013. IPSNEWS Available in <http://www.ipsnews.net/2012/10/giving-women-land-giving-them-a-future>.

the affected communities. The MoUs often contain white elephant projects or empty promises to provide roads, electricity, potable water, schools, hospitals, etc., without clear dates for their realization. Many communities refused to sign such MoUs for lack of faith in them. A few elites and/or chiefs who signed MoUs committing their villages do so for selfish interests, without prior consultation of the population. Some of the MoUs are negotiated through coercion, intimidation or outright bribery of local chiefs and elites. In the end, community interests are neglected<sup>51</sup>. This has sparked up legal suits, protests, petitions, and other forms of resistance against LSLAs from disgruntled villagers mostly in the upper sanaga division. As a result large scale land acquisition by SOSUCAM in the upper Sanaga division have deprived the rural communities from access to arable land in which 80% of the rural population depends on this land for survival.

Moreover, large scale land acquisition by SOSUCAM has been a source of conflicts with the rural communities. This is mainly because the company have extended the land concessions to the local community arable land which have degenerated to conflicts between the company and the rural communities. These conflicts were manifested in villages like Ebometendé, Simbane and Mbananga that resisted the cultivation of sugarcane. SOSUSCAM reduction of arable land in this villages led to conflicts with the local population<sup>52</sup>. The population of Ebometende send a mission to the administration demanding for their land rights to use and settle in the land because the extension of SUSUCAM farms was reduces arable land and land for habitation. The forest and cultivated land was about 70 haectares that SOSUCAM demanded for the extension of their farms. Most of the land in the rural communities is classified under customary land ownership in which the state is the custodian of land under this domain.

Ordinance No. 74 of 6 July 1974 established rules for governing land tenure. Section 15 classify national land in to two; Land occupied with houses, farms, plantations and grazing land manifesting human presence and development. The second category of national land is land free of any effective occupation . The rural communities hold land under the national domain in which the state is the custodian. When the states allocates such lands to SOSUCAM with the signing of the “bail emphytéotique” which create conflicts with the rural communities. The rural communities are ignorant on the use of the land certificate. The

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<sup>51</sup>L. Forjong et al, *Large Scale Land Acquisition : Implications for Womens Land Rights in Cameroon*, Canada, International Development Research Center, 2016.p.4.

<sup>52</sup> Zelakwa Maguina, *Rapport sur les Agro-Industrie dans le development des zone rurales et dans les strategies de developpement au Cameroun : cas de la SOSUCAM*, 2013 P. 10.

procedure of acquiring land titles in Cameroon is cumbersome for rural population with the complex and costly procedure stained by corrupt practices. Notwithstanding, land titles are the lone legal means of acquiring land rights yet, according to the Ministry of State and Land Tenure (MINDAF), less than 2% of Cameroon land was registered by early 2000's<sup>53</sup>. It is evident that most land in the rural areas is still informally administered through local tenure systems. This informal land administration is sometimes inconsistent and at times increases land conflicts. Although the 2005 land reforms updated the land registration, it failed to address other obstacles for acquiring land titles, reasons why the 2005 reforms have seemed not to have significantly improved land registration in Cameroon.

Thus, there still exist a lot of challenges in acquiring land titles and ownership which hinder land security by rural populations. As a result large scale land acquisition by SOSUCAM in the upper Sanaga division have deprived the rural communities from access to arable land in which 80% of the rural population depends on this land for survival. The consequence of this on the rural poor includes the fact that some of them become discouraged to acquire land titles. Some who begin the procedure take a longer time than the urban rich because they do not have bribes to offer intermediaries. As a result, the rural poor remain with untitled land. As such, their activities on these said untitled land is limited. Their land rights are usually encroached creating conflicts with the local communities. Large scale land acquisition by SOSUSCAM in the upper Sanaga division has been a source of conflicts with the local communities that depends solely on land for their survival.

Another negative impact of SOSUCAM and large-scale land acquisition in the upper Sanaga division is that it has led to migration from the rural areas to urban areas especially by the youths. Most of the youth migrate to urban areas because the land has been allocated to the companies making access to arable land a problem to the rural population. The law does not permit the youth to have land under the private domain. Only those born before 1974 can have a land title which implies that the youths can claim full ownership of land. As a result most of this vast tract of land in the rural areas are allocated to multinational companies and acquired by political elites. These influence most of the youth to move in to the urban in search of greener pastures rather than working as plantation labourers in multinational companies and elite's farms. This has been typical in the upper Sanaga division as a result of large scale land acquisition by SOSUCAM in the locality because

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<sup>53</sup> P. Tchawa, *La Concession des Terres a grande Echelle au Cameroun : Etat des Lieux et Analyse Prospective du Cadre Reglementaire*, Yaounde, 2012, p.20.

access to land by the youths in this locality is a problem. This becomes a paradox with the government's vision of encouraging the youths to participate in Agriculture especially large scale mechanized agriculture as access to land is a problem to the youths. On National Lands, the 1974 land Ordinance-Laws establish different rules for titling land in areas occupied and effectively used by communities, and in areas called vacant lands "terres libres de toute occupation effective".

Individuals and communities may apply for a title on land that they effectively occupied and used before 1974. On lands occupied and used after 1974, as well as on lands deemed vacant, applicants must draft a development project and obtain a provisional concession "concession temporaire". This distinction prevents communities from titling unoccupied land that is nevertheless vital for its members. It also creates incentives for local populations to establish visible signs of use, such clearing forestland and cultivating otherwise fallow land, to protect the land from external appropriation. Communities and individuals are not required by law to title their land prior to usage. Ordinance-Law 94-1 indicates that people may continue effectively and peacefully occupying the land without a title. Individuals may also continue hunting and fishing on "vacant land" as long as it does not conflict with other uses by the State<sup>54</sup>. These rights, however, are not guaranteed if the LCC considers that a community or an individual are not effectively using the land, it can propose to reallocate it. The government can also bypass the LCC's recommendation if it wants to reallocate the land. Rural people perceive that LCCs do not provide sufficient protection for customary land rights. Individuals are known to have registered, in their names, lands used by communities and/or claimed to be customary land. The 2005 reform brought simplified titling without protecting the youth on access to land.

Several factors account for the small number of land certificates and titles, including: limited awareness by the public of the legal framework; the common practice of relying on local rules to secure land; and the complexity and cost of titling procedures. These issues prompted the Cameroon government in 2005 to simplify the titling procedures. The government reduced the number of steps and departments involved in the process of reviewing and approving a request to title land. The responsibilities formerly attributed to the senior Divisional Officer, under the authority of the regional governor were passed to the Divisional Officer located at the sub division level. Applications, which previously required approval by the Ministry of State Property in the capital city, only needed approval of the

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<sup>54</sup> Article 17 of Ordinance -law 74-1.

MINDAF Delegation at the regional level. Another improvement ushered in by the 2005 reform was the creation of a single agency within MINDAF to handle most services concerned with the titling process. MINDAF offices and Delegation at the regional and divisional levels were now responsible for organizing local consultations, issuing land certificates, and maintaining land certificate archives in a safe and secure manner. The Department of Surveys was responsible for establishing and overseeing norms and standards of accuracy related to the physical description of the land.

In 2005, the government also reduced the number of steps in the land titling procedure and established a timeline for processing applications. These measures reduced the time needed to obtain a land title from several years to less than one year. The transcription regime allowed holders of certificates of occupancy and “*livrets fonciers*” issued before 1974 to transform them into land titles, but only for a period of time within six years for land in urban areas and within 15 years for land in rural areas. After these deadlines in 1980 and 1989, respectively the certificates and “*livrets fonciers*” were cancelled to establish a new title for occupied or exploited lands that are part of National Lands; and modify existing titles through transactions and subdivision<sup>55</sup>. The 2005 land tenure reforms did not take into cognizance the youths which greatly influence migration especially in the upper Sanaga division as access and ownership to land becomes a problem to the youth.

Large scale land acquisition by SOSUCAM in the upper Sanaga division has created environmental impacts that has affected the rural communities. The destruction of the forest with the extension of the Sugar cane farms have greatly affected the rural communities as some of these forest were areas of hunting, ancestral sites and areas where the communities fetch for medicinal plants<sup>56</sup>. When Cameroon framework law on the environment came into force, there was a large gap in the regulations regarding the effects that agro-industrial operations have on the surrounding area. This suggests that the administrations responsible for the environment have yet to develop a clear vision of the nature and level of requirements that need to be imposed on investors in this sector. The contract between SOSUCAM company and the government of Cameroon, the company agrees to abide by current and future soil protection and hygiene rules and regulations, even though the potential environmental impacts of large-scale sugar cane production extend well beyond these two issues. regulations under the current law, including the Framework Law on Environmental

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<sup>55</sup> Ministry of State Property and Land Tenure, Land Registration in Cameroon, 2006 at <http://www.focusland.com/fola/en/countires/brief> land -registration-in-cameroon.

<sup>56</sup> Interview Olinga Nanga, Aged 65, Third class chief, Mbandjock, 20 July 2020.

Management and the Equator Principles, as they apply to a given context. Exempt companies from environmental obligations through specific clauses that allow them to ignore current environmental legislation<sup>57</sup>.

SOSUCAM was expected to comply with current environmental legislation, even if this is not explicitly mentioned in the contract. The Prime Ministerial Decree OF 2005 making EIAs a requirement was signed, expecting to produce an EIA and an environmental management plan. Companies whose operations started before 2005 had to follow the procedure for environmental audits, which were supposed to retrospectively evaluate the negative impacts of the company's operations on the environment, and determine possible mitigation measures as part of an environmental management plan. None of these pre-2005 companies developed or implemented a formal environmental policy before conducting their environmental audit<sup>58</sup>. SOSUCAM have various negative effects on the environment, apart from the loss of biodiversity caused by converting forests to mono-cropping systems, Pollution of surface water due to the discharge of factory effluents into watercourses used by local communities especially river Sananga. This pollution leads to the destruction of aquatic life and have cause numerous illnesses.

Monoculture projects, no matter how well-managed, result in a huge loss of biodiversity. Loss of animal biodiversity, which threatens local communities' food security. Aerial application of chemical products that pose a risk to human health. Certain plants are becoming increasingly scarce around SOSUCAM plantation that use chemical sprays on sugar cane such as *collochia esculenta*, commonly known which used to be one of the highest yielding food crops in this locality<sup>59</sup>. It has also led to Soil degradation due to the use of pesticides by the company in this locality. The nature of the risks and impacts of agro-industrial production can be seen in large-scale banana plantations. This increases local people's exposure to chemicals in an area where there is very little awareness of the risks associated with their use. Increasingly, impoverished soils are also making small producers mainly the rural communities much more reliant on chemical fertilisers, which pose risks to their health.

The preparation and approval of EIAs could also be improved. The main weakness observed in most of the impact assessments produced by SOSUCAM is the lack of standards

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<sup>57</sup> S. Nguiffo et al, *Agro-industrial investments :large scale land Acquisition in Camenroon...*, p.50.

<sup>58</sup> *Ibid*, p.51.

<sup>59</sup> Interview, Mbot mbot Jannet, Farmer, 80years, Farmer, 22 June 2019.



that would make it possible to determine the upper limits of pollution<sup>60</sup>. In a context where communities rely mainly on natural resources for their subsistence, including non-timber forest products, it is crucial that rigorous environmental impact assessments are undertaken to mitigate adverse effects on communities and avoid conflicts between companies and villagers. The emission of toxic gases into the air in the factories also has serious environmental impacts to the rural communities.

In addition, large scale land acquisition by SOSUCAM in the upper sanaga division have failed to provide some social amenities to the rural communities that are essential for the development of the rural areas. During the field studies we realized that SOSUCAM generates her electricity from the remnants of sugarcane. This energy is referred to as Biomass energy that is used in SOSUCAM factory in the transformation process<sup>61</sup>. SOSUCAM officials affirms the fact that this energy can supply the whole of upper Sanaga division and will not impact processes in the factories<sup>62</sup>. They confirm that the amount of biomass energy generated is more than the energy needed in the factories. This has not benefited the rural communities as the biomass energy is used only in the SOSUCAM factory and the rural communities suffer from power cut and shortage as electricity cuts is one of the major problem that is faced by the rural communities in this vicinity. Also, the company generates portable water that is used only in the plantations to water sugarcane and factories in the transformation process<sup>63</sup>.

Another negative impact of SOSUCAM and large scale land acquisition in the Upper Sanaga Division is the absence in the legal provisions of systematic access to information by the public on activities relating to land concessions. There are three instruments which enable the public to directly get information on land operations. This concerns; land policy document, land use plan and instrument for land publicity. A Land policy is a document through which the State indicates the key guidelines on land allocation on its territory. It is the first transparency instrument as it enables citizens, investors and every interested person to know the different intentions of the lawmaker and to find out if in the order of choices concessions are a priority or not. A land use plan is a document through which the authorities of a country proceed to allocating portions of land and indicate the use for which each portion

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<sup>60</sup> I. Takougang et Tchounnou Paul, Impact des effluents d'un complexe agro-industriel sucrier sur la distribution des mollusques dulçaquicoles à Mbandjock (Cameroun) <https://www.researchgate.net/publication/32975382>, 2014, p.12.

<sup>61</sup> Interview with Marcel Marigoh, Aged 34 chief Energy Department, SOSUCAM, , 25 July 2020.

<sup>62</sup> Interview with Marcel Ngwenene , Electrician , Aged 28, SOSUCAM, 25 July 2020.

<sup>63</sup> Interview with Martin Ambara ,Aged 50, factory worker, SOSUCAM, 50years, 25 July 2020.

or blocks is subjected. It allows potential investors and the public to know the lands available for concessions. It allows people claiming rights over the lands to manifest their claims. The third document that provides information on land transactions is the land registry document which registers land operations.

In Cameroon, this document only registers operations on titled lands in conformity with ordinance No. 74-1 of 6 July 1974 and decree 76/165 of 27 April 1976, stipulating the modalities to obtain a land title modified by decree No. 2005/481 of 16 December 2005 which is not the case with concessions. However, it registers final concessions, but, simply to transform them into property ownership. This means that it gives no information on the land concession granting process and the management of land concessions in Cameroon. The granting of land concession is an agreement signed between the State and the concessionaire on land in the national domain. At this moment, the State does not come in only to protect general interest, but as a contracting party. This means that the operation is not submitted to the public law rules, but to private law of contract<sup>64</sup>. There is no provision in the Cameroonian law laying down any obligation on contracting parties to a land concession to provide information to third parties on the content of their agreement.

Cameroon respects the principle of relative effect of contracts which means that the contract is the law for the two parties. It is laid down by article 1165 of the Civil Code which states that “agreements have effect only between the contracting parties; they do not harm third parties and they are beneficial to them only in the cases provided for in article 11211». Not hurting or benefiting third parties, contracts must not necessarily be made known to them. The parties can even through a clause in the contract set the obligation not to disseminate information relating to their agreement. The parties then have the right to conduct their negotiations behind closed doors and not reveal the content of their agreement to third parties<sup>65</sup>. However, land concession contracts, though signed by the State, could be beneficial or indirectly hurt third parties, especially the local populations who are affected socially and environmentally. It is certainly to put this principle into perspectives that the guidelines and international principles recommend States to consider the third parties in such transactions. It should be argued that the publication of a presidential decree or the ministerial order announcing the granting of concessions are not concession publication acts, rather they are simply acts aimed at making available to the public regulations enacted in Cameroon. In

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<sup>64</sup> P. Etienne Kenfack, *The Legal and Institutional Framework on Access to Information in the Granting of Land Concessions in Cameroon*, Yaounde, Herve MOMO creative, 2051,p.23.

<sup>65</sup>*Ibid*, p.24.

submitting land concessions to regulations governing contracts, the Cameroon lawmaker chooses to limit or prevent access to information through direct means in this domain. This option is thus in contradiction with Cameroon's commitment vis-à-vis internationally binding legal instruments. It equally involves a negation of the consideration of the situation of the vulnerable groups. For example, the FAO Voluntary Directives, notably in the "Principle of Consultation and Participation," requires that rightful land owners, who could be affected by a decision affecting their rights, participate actively, freely, effectively, meaningfully and with full knowledge of the facts. Principle<sup>66</sup>.

The Cameroon legal instruments adopts this means and recognises in the press, right to have access to information and by giving to Parliament and associations investigative powers to research and obtain information.. Law No. 90/052 of 19 December 1990 on social communication in its article 49 defines the modalities of access to information and administrative documents "Except contrary legislative and regulatory provisions, access to administrative documents is free". All documents, reports, studies, feedbacks, minutes, statistics, directives, instructions, circulars, notes, that is, all documents relating to positive law acts are targeted". Journalists could then solicit from the administration, all documents including those relating to land transactions and make them public. Though the principle of freedom of access to information has been laid down, in practice, difficulties persists due to tradition of secrecy which still characterises the Cameroon administration.

Investigative Powers of Senators and Parliamentarians of the lower house of parliament can be an indirect means of access to information. Besides proposing and voting laws, parliament in conformity with article 35 of the Constitution has the power to supervise the action of the Government through oral questions and parliamentary commissions of inquiry. According to this text, Parliament controls government on specific issues subject to the imperatives of national defence, State security or the secrecy of judicial information<sup>67</sup>. In enforcing this text, members of parliament can question the Minister of State Property and Land Tenure who is the representative of the State in land transactions on the national domain and specifically on land concessions, future land concessions, ongoing award processes and/or allocated lands. The Minister is supposed to react by providing information on concessionaires, the rights and responsibilities of the State and the concessionaires.

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<sup>66</sup> ACDIC, CED and Friedrich Ebert Stiftung, *Plaidoyer Pour une Réforme du Régime Juridique des Cessions de Terres à grande échelle en Afrique Centrale* : Document cadre, Yaoundé, PUA, 2012, p.15.

<sup>67</sup> G. Golay , « pauvreté et droits humains », CERISCOPE, *Pauvreté*, 2012 (online), retrieved 17/10/2014, URL : [http://ceriscope.sciences-po.fr/pauvreté/content/part5/pauvreté et droits humains](http://ceriscope.sciences-po.fr/pauvreté/content/part5/pauvreté%20et%20droits%20humains).

Generally, the questions posed reflect the preoccupation of public opinion and especially the concerns of the local populations represented by their parliamentarians. This is what gives weight to this system, though in many respects, it is limited by the logic of party discipline by political parties and the weak influence of the political opposition in Cameroon.

Transparency is an issue that needs to be addressed with regard to land concessions in Cameroon, as it is very hard to access information about land allocations. In most cases, snippets of information about ongoing projects appear in the press, but it is impossible to verify the figures that are published or find out what these projects intend to do on their concessions. Although the administration publishes a list of sites that are likely to be allocated for forest concessions, it does not do this for land concessions. Furthermore, negotiations between investors and the state are not public, and take place without the participation of parliamentary representatives. Contracts are usually hard to access even when they are not covered by a confidentiality clause, and these clauses are becoming much stricter. The parties concerned respect the confidentiality clauses that are in place and take care to keep their commitments confidential when they are not. Accompanying documents, where they exist, are also confidential, especially site maps and terms and conditions. Obtaining information about the concessionaries' operations is extremely difficult, even when they could have a direct impact on the health of local communities and the surrounding environment through their activities and inputs, for example. Little is known about the companies' tax situations, which vary from one project to another<sup>68</sup>.

The fiscal arrangements for land concessions usually differ from the ordinary law, and are covered by special measures agreed when the contracts are negotiated, with the result that there are almost as many fiscal in obtaining information about the amounts of taxes and duties paid by these companies, as the law gives them the right to receive some of this money through ground rents when the site concerned is on national land. Finally, it would be useful for neighbouring communities to be informed about the real nature and scope of the rights granted to the concessionaries, and the obligations imposed upon them. This would help ensure peaceful cohabitation and enable these communities to participate in processes to monitor the companies' compliance with their obligations.

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<sup>68</sup> S. Nguiffo and M Watio, *Agro- industrial investment: large scale land acquisition in Cameroon*, p.48.

### III. Impact of Elites Large Scale Land Acquisition

The elites in the upper Sanaga division have been very instrumental in the acquisition of vast tracts of land for agricultural investment. Most of the large scale agro plantations in the upper Sanaga division are owned by elites that have greatly contributed to boost agriculture and enhance socio economic development in the locality. The recent wave of large-scale land deals by elites in the upper Sanaga division is not entirely unprecedented but the speed at which the phenomenon has been developing and the scope of the development is alarming. The characteristics of the current wave of land deals by elites is different from what has been seen in the past in this division. Rather than leaving it to local producers to supply international markets with agricultural products at the most competitive conditions, current leases or buyers of land now seek to ensure their own direct access to land to supply agricultural commodities themselves. Many elites in the upper Sanaga division have become agricultural entrepreneurs and great producers of agricultural products for commercialization. The strategy of these elites is circumventing international markets that have become more volatile and thus increasingly unreliable.

Competition for access to these resources is increasing, combined with a discourse about the scarcity of and growing demand for agricultural commodities<sup>69</sup>. As a result, more and more elites go for the land on which communities rely and land is rapidly becoming an asset on which elites speculate for the future benefits. The communities do not have secure tenure rights to the land on which they live and rely upon for their livelihoods. This is due to the land tenure regime where land titling is a complex process. In addition, customary and traditional forms of land tenure are often not recognized by the law, Even when they are recognized on paper, customary land rights are poorly protected in practice due to a lack of on-the-ground mapping of traditional land. This makes land in the rural communities open for the elites to acquire for investments. Moreover, the emergence of land markets is seen as conducive to economic growth since lowering transaction costs is expected to result in land going to the most productive user, thus maximizing the productivity of land as an economic asset.

However, the reality is often very different. Once it is treated as a commodity, land often goes to the buyers with the highest purchasing power, not to those who need it most or

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<sup>69</sup>L. Cotula, "Land Deals in Africa: What is in the Contracts?", International Institute for Environment and development, London, 2011, p. 40.

can use it most productively<sup>70</sup>. In addition, many communities, such as indigenous communities, manage their land collectively and are unfamiliar with the notion of privately held property. Land titling schemes that force members of these communities to accept individual titles often go against communal traditions and ways of life, potentially threatening these communities ongoing cohesiveness and existence where elites in the upper Sanaga division acquire vast tracts of land and use their power especially political elites to produce land title. In our subsequent discussions we shall focus on the positive and the negative impacts of large scale land acquisition by political elites to the local communities.

### **A. Positive Impact of Elites Large Scale Land Acquisition**

Large scale land acquisition by elites accelerate rural economic growth and development. In the rural communities in the upper Sanaga division, large scale land acquisition by elites have enhance and increase in the cultivation of cash crops. This is simple because most of the rural masses practice subsistence agriculture and with the introduction of large scale farming by the elites, many rural population have also turned to cultivate small scale cash crops for commercialization. This has change the subsistence farming that has been age long practiced in the rural communities in the upper Sanaga division to cash crop production that has been empowered by the elites. Also, most of the land that elites acquire from the rural communities is land that is vacant and unproductive and the rural communities used the land mainly for hunting and gathering of fruits<sup>71</sup>.

Elites large scale land acquisition puts these vast tracts of land in to agricultural practices like large scale crop cultivation and animal husbandry leading to economic growth and development. For instance, Many elites in the upper Sanaga division have enhance in the cultivation cash crops like cocoa, banana, rice that have generated income and enhance economic growth and development in the rural communities in the upper Sanaga division. Economic development is an important aspect of food production, availability, and security in the rural communities in the upper Sanaga division<sup>72</sup>. Self-determination, and the right of people to decide their own path of development and to control their own food systems if they want to do so is also critical considerations. Lastly, commercial pressures on land by the elites in the upper Sanaga have enhance economic growth. notwithstanding, it should be noted that commercial pressures on land are not a phenomenon that affects only pockets of

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<sup>70</sup> O. De Schutter, "The Green Rush: The Global Race for Farmland and the Rights of Land Users". *Harvard International Law Journal*, 211 Vol. 52: pp.504-559.

<sup>71</sup> Interview with Mbolong Gaberiel, Aged 55, MINDAF Yaounde, 02 September 2020.

<sup>72</sup> Interview with Monobo Samuel, Aged 50 years, Farmer, Nanga Eboko, 28 July 2020.

rural minorities but one that affects rural majorities, and indeed whole societies, in many parts of the world<sup>73</sup>.

Moreover, elites large scale land acquisition leads to rural development. Most of the developments in the rural communities in the upper Sanaga division are spearheaded by the elites. The elites in acquiring large tracts of land contribute in the development of the rural communities. One of the ways through which elites acquire large tracts of land in the rural communities is through gifts. Some elites in the upper Sanaga division have acquired vast tracts of land through gifts from the traditional authorities of the communities because of their great contributions in the development of the locality. Their influence in the development of the locality influence the people to compensate them or to acknowledge with land. This has been very common to administrative and political elites in the upper Sanaga division. During political campaigns they try as much as possible to participate in development projects in the communities and at times since most of the chiefs are mostly involved in politics today, allocates vast tracts of land to the elites to appreciate them for their contributions in the development of the community. Chiefs in Cameroon are seen as custodians of the land and auxiliaries of the administration in the communities they rule as traditional rulers.

Prior to European colonization, chiefs served as the custodians and guardians of the rural communities and the bastions of native laws and customs. These historically dominant roles of chiefs in customary land ownership influence them to have power over community land that is recognized in modern law but not protected<sup>74</sup>. Prominent elites in the upper Sanaga division that have acquired land due to their influence in the development are mostly political elites like Ngoh Ngoh Ferdinand, Bidung kpwatt and Etoa Angoula. Some of the development projects carried out by the elites as a result of large scale land acquisition in the rural communities are; construction of schools, roads, bridges, Bore holes that benefits the rural communities and improve on their living standards. Thus large scale land acquisition by elites in the upper Sanaga division have greatly enhance development in the rural communities as the elites engine developments projects in the rural communities.

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<sup>73</sup>R. Montemayor. "Overseas farmlands – boon or bane for farmers in Asia?", in M. Kugelman and S.L. Levenstein (eds.) In *"Land grab? The race for the world's farmland."* Woodrow Wilson International Centre for Scholars: Washington D.C., 2009, p.40.

<sup>74</sup> L. Cotula, Over the Heads of Local People: Consultation, Consent, and Recompense in Large-Scale Land deals for Biofuels Projects in Africa, *Journal of Peasant Studies*, 2010, 37(4) p. 893

In addition, Large scale land acquisition by the elites in the rural areas in the upper Sanaga division creates employment to the rural population. Most of the workers in elite's farms are the villagers that are employed to work in this plantation. Economic independence is fundamental to strengthening rights and enabling the rural communities to acquire skills from elite's farm. Their earnings from elite's farms help to sustain families and meet other needs without depending of subsistence farming which is their main source of livelihood. Employment of the rural masses in elite's farms provides an opportunity for the rural population to improve on their lives and the wellbeing of their family. During field work we realized that most the rural population prefer to work in elites farm because the elites provides their necessities and support them in many domains like providing school fees for children and other basic Necessities<sup>75</sup>.

The creation of decent employment increases local purchasing power, which is likely to create spillovers effects when the salaries are used for consumption at the local market. The effect of large-scale investments on land by elites in the upper Sanaga division on employment can be assessed by comparing the expected and promised levels of employment with the number of jobs that are created by the elites on large scale elite's farms. The provision of employment by large-scale farm enterprises in the light of the need for employment creation in the rural communities and by comparing it to the employment potential of alternative uses of the same land and resources, the prospect of employment creation is one of the most commonly stated benefits of large-scale investments in farmland, by the elites to the local communities<sup>76</sup>.

However, promises of job creation are seldom quantified and detailed in community consultations and legally enforceable investment contracts. Questioning how many jobs are created in comparison to the number of livelihoods lost and to the employment potential of alternative land uses reveals that large scale land acquisition by elites trains the rural communities to be agricultural entrepreneurs. The costs for the local populations of going

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<sup>75</sup> Interview with Samba Gabrielle, Farmer, 40 years, Nanga Eboko, 5 october 2020.

<sup>76</sup> In a biofuels assessment prepared for the Ministries of Agriculture and Energy, Econergy (Econenergy, 2008: 365) assesses the potential employment benefits in the following way: "The potential significance of such job creation in the biofuels sector underscores its potential impact on the economy of Mozambique. It is important to understand that this would also correspond to an extremely wide distribution of earnings generated by the sector among a large portion of the population. Consequently, development of the biofuels industry presents a good opportunity to significantly reduce the endemic poverty the country faces, especially in those regions where it is felt most intensely. Unlike the other economic sectors in which Mozambique offers a high potential, such as mineral extraction/hydroelectric power generation, which are typically capital intensive, the biofuels sector offers a disproportionate potential to create jobs, distribute wealth and reduce poverty". (Econenergy, 2008: 335).



from being land owners to farm labourers and the permanent loss of access to land and resources must also be accounted for. The large-scale investment projects impacts on employment creation can also be analyzed in the context of high national and rural levels of underemployment, combined with a growing and still mainly unskilled labour force and a majority of the economically active population involved in the agricultural sector.

Another positive impact of elites and large scale land acquisition in the upper Sanaga division to the country in general is that it improved food productivity which increase the gross domestic product of the country. Although certainly not the only factor to influence rural development, large-scale investments in farmland should be assessed not only based on their investment levels and contributions to GDP growth, exports and foreign exchange earnings, but also with regards to their effects on employment creation and food security in the upper Sanaga division. The rural areas characterised by high levels of poverty, seasonal food insecurity and with a population which largely depends on natural resources and agricultural activity for its survival, these investments make use of land tracts which could be used for alternative purposes; and since such investments may have very direct effects on local communities<sup>77</sup>. The effects can be both positive, when the projects create employment opportunities, construct infrastructure and contribute to local economic development; and negative, when the projects lead to loss of land and livelihoods, and limit local inhabitants access to water, fire wood and other natural resources that are important for income generation and food security. In a context of increasing pressures on land, water and other natural resources is important to assess the socioeconomic and environmental impacts, as well as weigh the opportunity costs, of any activity which entails land area expansion and or significant investments.

## **B. Negative Impact of Elites Large Scale Land Acquisition**

There has been an unprecedented rise in the sale and leasing of large areas of land, in the upper Sanaga division to elites for agricultural investments. The investors in these large-scale land leases or acquisitions referred to as land deals or land investments have negatively impacted the rural communities that depend solely on land for their survival. The effects of large-scale land acquisitions and wider commercial pressures on land can be conceptualised in several dimensions. They may be felt at a local level, at a national level, or at a global level through world markets and global ecosystems. They can include direct outcomes such as loss

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<sup>77</sup>*Ibid*

of access to a resource, or more indirect impacts such as changed food security. The commercial pressures on land have different impacts on different groups of people. Such groups include international land acquirers and host country elites, the populations of host countries and other countries, and the local communities directly affected. It is vital to remember that there are divisions and powerrelations within these groups. The poor are most likely negatively affected, as pastoralists and forest-dependent people. This notwithstanding, it should be noted that commercial pressures on land is not a phenomenon that affects only pockets of rural minorities but one that affects rural majorities. The negative impacts of large scale land acquisition by elites to the rural communities in the upper Sanaga division will be examine below.

Large scale land acquisition by the elites in the upper sanaga division transforms the rural communities in plantation labourers. The population in the rural areas turns to work on elite's farm transforming local entrepreneurs to plantation labourers. The rural communities prefer to work on elite's farm rather than to continue in their subsistence farming. During the field work we discover that some of the rural population prefer to work in the elites plantation for prestige and to gain power in the local areas since the elites will protect them in all instances<sup>78</sup>. Large-scale land acquisitions by elites often create few linkages to the local economy, since they mainly produce for export and rely largely on imported inputs for production. As the agricultural sector moves from labour intensive to capital-intensive mechanical farming, the need for unskilled labour decreases. The local communities concentrate in offering unskill labour which is temporal to elites plantations rather than developing their local entrepreneur skills. This leads to the reduction of economic power of the rural masses.

Secondly, Corruption taints land deals by elites also influence the rural communities, The elites in the upper Sanaga division bribe traditional ruler for them to allocate favourable land leases or acquisitions that violate the rights of local communities, elites capture the titling process through illegal means and at the expense of local land users, or investors rely on weak rule of law or corrupt remedial schemes to deny land user's access especially political elites in the upper Sanaga division. Corruption continue to be a major obstacle in protecting local communities from the negative impacts of the current wave of investments in land. Local elites such as government ministers or senior public officials, use their positions and power to influence land demarcation in order to get beneficial treatment and increase

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<sup>78</sup> Interview with Mbeck Julliene, Aged42, Farmer, Nanga Eboko, 20 July 2020.

their own land holdings at the expense of less powerful members of society, including indigenous persons or ethnic minorities<sup>79</sup>. In the upper Sanaga division, public officials, representatives of the community and traditional authorities are directly bribed by the elites in order to ensure that the land is leased or sold to them<sup>80</sup>. The risk of such forms of corruption materialises where land is communal. Land and resource users are affected, whether elites these users are permanently occupying the land or they depend on the land for subsistence or other needs. While the problem of corruption at this stage is widely recognized to exist, it is difficult to document, investigate, and prosecute since corruption, by its very nature, is kept secret. Corruption in land deals by the elites in the upper sanaga division greatly affects the rural population as access to communal land becomes a problem to the rural population.

Moreover, loss of access to arable land is one of the negative impacts of large scale land acquisition by the elites to the rural communities in the upper Sanaga division. Land is a basic livelihood asset and the principal form of natural capital which provides food, income and a range of natural resources to rural communities. The loss of land to elites presents a major socio-economic constraint to the rural population. Access to land is critical for small-scale food producers in the rural areas. Lack of it defines landless farm workers influenced the rural communities to lose land and becomes landless.. Land taken over for large scale investment is not always vacant as land acquirers and some public authorities will make believe. This implies that LSLAs come along with economic and physical displacements, with their attendant effects on those on the land, particularly rural communities.<sup>81</sup>

Furthermore, large scale land acquisition by elites in the upper Sanaga division has been a source of conflicts with the rural communities. Conflicts developed between the rural communities and elites on land that protest land acquired by the elites in the rural areas. These conflicts are common with mainly political elites that used their political power to expropriate land from the rural communities with the complicity of traditional ruler especially communal land. Access to land in Cameroon becomes a complex and problematic issue which has in a dynamic and fluctuating manner influenced by the quest for political power

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<sup>79</sup> S. Lindner, "Ethiopia: Overview of Corruption in Land Administration", 5 (June 3, 2014), available in <http://www.u4.no/publications/ethiopia-overview-of-corruption-in-land-administration/>; Cambodia: Land Titling Campaign Open to Abuse, Human Rights Watch 12 June 2013.

<sup>80</sup> Interview with Gilbert Ndongo, Aged 70, Chief of Akak, Nanga Eboko, 13 July 2020.

<sup>81</sup> L. Forjong, *Interrogating Large scale Land Acquisition and its Implications for Womens Land Rights in Cameroon, Ghana and Uganda*, Bukhum communications, Limbe, Cameroon, 2017. P.47.

and social status especially by the elites in the rural communities<sup>82</sup>. The tendency for land to trigger conflict has been aggravated by the ever increasing competition over land, by the elites in the upper Sanaga division especially due to the fact that it is a resource. In societies across Africa, land disputes resulting from the ambiguity of land rights, population increase, urbanization and increase in the value of land, among others, are a source of much complexity<sup>83</sup>. These disputes over land are categorised into many types such as those between states, ethnic communities and those between individuals. Disputes that arise between political, economic, social and religious institutions which require land for their work, on the one hand, and the host people, on the otherhand. The elites in the upper Sanaga division quest for large tract of land using political power and influence which has been a source of conflicts that has effected the rural population for instance conflict between Embolo Faa Joseph and Etoo Roland Romain on land which develop to a land conflicts .

In addition, Loss of Farmland and threats to food security is another negative impact of large scale land acquisition to the rural communities. The abrupt loss of access to land by farmers because of large scale land acquisition by elites affects the livelihood of the rural communities. Prior to acquisition, the rural population were involved in growing food to meet family needs and the surplus sold to cater for day to day cash demands<sup>84</sup>. When the elites acquire vast tracts of land in the rural areas, the rural communities are faced with the problem of inadequate food for themselves and families. A majority of the elites in the upper Sanaga division that acquire vast tracts of land for agricultural investments focused in the cultivation of products mainly for commercialization in neighboring countries which posed a problem of threat to food security in the rural communities. These has lad to inflation in the prices of food in the local markets because the elites are out forprofit maximization and not to feed the local market with agricultural products. Inflation on prices of agricultural products have led to a drastic fall in the standard of living of the rural communities.

### **C. Land governance fails the rural poor**

Land acquisition for commercial ventures implies a range of decision-making processes within the country. It implies policy decisions about the type of agricultural

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<sup>82</sup> United Nations Research Institute for Social Development, 'Democracy, Governance and Human Rights Programme' Paper No 10, January 2003, p. 29.

<sup>83</sup>Barron, Patrick, Smith, Claire Q and Micheal Woolcock., "Understanding Local Level Conflict in Developing Countries: Theory, Evidence and Implications from Indonesia", *Social Development Papers*, Paper No. 19, <http://www.worldbank.org/conflict>, 2004, Accessed on 29 June2018..

<sup>84</sup>O. de Schutter. The Green Rush: the Global Race for Farmland and the Rights of Land Users. *Harvard International law Journal*, 52:503–559, 2011, p. 224.

development that is envisaged and promoted, sustainable management of the nation's natural resources, the entry of the state into commitments with external parties and about the discretionary use of powers typically held by the state over the allocation of land. Governance processes that fails the rural communities in negotiating land deals. At the most general level, weak governance refers to weak national institutions of governance, often facilitating state capture by elites. Despite the widespread adoption of multi-party electoral systems in the South since the 1990s, members of parliament in many of these new regimes are still able to place their private interests above those of their constituents, and measures of voice and accountability in this area remain poor. Often, the interests of politicians and senior officials are commercial interests and these individuals are often both public officers and businessmen<sup>85</sup>. Such figures may be closely involved as facilitators and partners in large-scale domestic and foreign land-based enterprises. These often reach down to the local level through chiefs and leave the majority poor without a say. Speculative land acquisitions by members of political elites appear in a large proportion and commentary relating to the land rush, including those produced under the ILC project.

More specific problems include lack of transparency and corruption. Decision-making and negotiations for land deals usually happen behind closed doors. Only rarely do local land holders have a say in such negotiations and few contracts are available to the public. This reduces scope for public scrutiny and creates a breeding ground for corruption. Transparency International defines corruption as the abuse of entrusted power for private gain. Corruption is endemic in many key countries leasing lands at scale, including much of Africa and parts of Asia. Another aspect of governance is the following of due process in decisions that affect rural land users. Informed Consent is central to an understanding of the right to freedom from eviction and respect for other rights such as the rights of indigenous peoples. Large-scale land acquisitions results to widespread dispossession of existing land users. This Acquisition implies voluntary negotiated transfer of ownership where cases of such transfers occurring appears to be genuine local support for an agricultural project. Dispossession by contrast, implies an involuntary loss of land and resources by those who formally possessed the land. Dispossession may take place through an illegal transfer, but it is in fact far more common in the context of the current land rush for landholders to be legally dispossessed.

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<sup>85</sup>N. Forchive, *Biofuels, Land Access and Rural Livelihoods in Tanzania*, London, International Institute for Environment and Development, 2009, p. 67.

Legal dispossession may occur through compulsory acquisition of privately titled lands or through the appropriation of land and other resources that are possessed by local communities under customary form of tenure but not given formal legal recognition as being owned by them. There are several common features among contemporary land governance systems that facilitate such dispossession. Legal failure in many poor agrarian countries to recognise that lands acquired and held through customary/indigenous tenure systems amount to real property, therefore deeming these lands to be merely occupied or possessed, but not owned. This normally affects most of the rural population in these countries, such as an estimated half a billion people in sub-Saharan Africa<sup>86</sup>. Legal failure to acknowledge that large parts of traditionally held lands occupied or used, places the greater portion of the customarily held estate in Cameroon on the category of not just being unowned but vacant and idle and available to investors. Forests, rangelands, and marshlands, actively used and constitute a greater source of livelihood<sup>87</sup>.

The practice of regarding only lands which have been made formally subject to statutory entitlement as private property deserves protection by the law. Less than 10% of all rural lands in Cameroon are subject to statutory entitlements and most of this acknowledged private property. Public land refers to lands which the state owns in trust for the nation, or for populations living in those areas. The government claim effective landowner or landlord of all untitled lands. Land nationalisation since the 1970's in Cameroon made untitled landholders more vulnerable<sup>88</sup>. The practice of vesting certain resources directly in the state ownership tends to extend to land and surface resources such as foreshores, water resources. The adoption of market-oriented measures in new national land policies and laws, including allowing lands to be sold where this was not previously the case. This includes widespread legal changes since the 1990s, which have enabled foreigners to acquire leases or even to purchase land outright, the removal of development conditions or other constraints against land hoarding and speculation and abandonment of ceilings originally designed to inhibit landlessness, in service of private acquisition-based land developments.

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<sup>86</sup>B. Wiener Bravo, "The Concentration of Land Ownership in Latin America: An Approach to Current Problems", CISEPA *Contribution to International Land Coalition Collaborative Research Project on Commercial Pressures on Land*, Rome, 2011, Pp56-58.

<sup>87</sup>P. Mutopo, "Large Scale Land Deals, Global Capital and the Politics of Livelihoods: Experiences of Women small-holder Farmers in Chisumbanje, Zimbabwe", *Paper presented at the International Conference on Global Land Grabbing II. Organized by the Land Deals Politics initiative*, 2015.

<sup>88</sup>M. Taylor and Lorenzo Cotula, *Land Rights and the Rush for Land*, Rome, Aldo, International Land Coalition secretariat, 2012.p.20.

The emphasis in policies and laws that private purposes such as investment may be considered a lawful public purpose for which governments may take occupied or customarily held land, or expropriate titled land through compulsory acquisition, with due cause. Public interest grounds have been repeatedly used to facilitate expropriation. The failure of laws to sufficiently prescribe procedures, enabling officials to stretch the boundaries of their powers to dispose of public lands. The government manipulate access to large areas of community-held lands. However, such improvements are seriously impeded by conditions such as requiring customary landowners to first formally survey and register their holdings, or by limiting formal recognition to house plots and farms, leaving the much more expansive collective land assets of communities exposed. As has been noted, these community commons are often the target of large-scale allocations as they provide large areas less interrupted by settlements<sup>89</sup>.

#### **D. Economic Governance Fails the Rural Poor**

Economic governance in this context includes both domestic economic policy, management international rules and institutions that make up global, regional, and bilateral trade and investment regimes, as well as international human rights law. Considering the massive funding gaps that many countries in the South face in revitalising rural development, it is to be expected that many governments see the private sector as a key contributor to achieving their aims. Host countries go to great lengths to attract and legally protect FDI in agriculture and extractive industries. Measures include the creation of tax relief and other incentives for FDI involving the purchase or lease of lands. Other measures include the creation of promotion agencies or offices, often with the duty to identify lands for prospective land acquirers and to speedily facilitate their lease; this is now almost uniformly the case among countries hosting large-scale land deals. These bodies also usually provide technical assistance and advisory services<sup>90</sup>.

Large-scale land acquisition has also been enabled by the rapid development of international law over the past few decades. This has strengthened the legal protection of actors involved in acquiring large areas of land. Many developments towards the rights of communities affected by large-scale land acquisitions are even weaker, having the status of voluntary guidelines which investors and host governments may adopt at their will.

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<sup>89</sup> B. Dabiré and M. Zongo, L'impact de la crise ivoirienne sur l'accès à la terre dans la province de la comoré, Technical report, International Institute for Environment and Development (IIED), 2005, p.15.

<sup>90</sup>L. Cotula, The international political economy of the global land rush: A critical appraisal of trends, scale, geography and drivers. *Journal of Peasant Studies*, 39(3-4):649–680, 2012, pp.120-135.

International conventions supporting the land rights of indigenous peoples and communities most notably ILO 169 and the 2007 UN Declaration on the Rights of Indigenous Peoples lack legal enforcement. A detailed legal analysis of international and human rights shows that human rights law provides much weaker protection than investment law in terms of both substantive standards of treatment and legal remedies. The rush for land comes against a background of an under-performing smallholder sector. Interest by global investors in large-scale, industrialised agriculture has been seen by many host countries as a new way forward, even as a solution to the problem of rural development. Large land acquisitions are thus being enabled by a policy bias, and indeed an ideological bias, towards such industrialised agriculture<sup>91</sup>.

Large-scale land allocations such as concessions have the effect of creating uncertainty for local landholders, aggravating their tenure insecurity, even where the deals are not implemented and land use conversions may never take place. Weak land administration systems may be overwhelmed, while the mere prospect of a large-scale land acquisition creates uncertainty for potentially affected land users, undermining their de facto security of tenure and acting as a deterrent to investment by smallholders themselves. Land reform processes undermined in countries in sub-Saharan Africa, with more than 30 states having made new policies designed to recognise customary land holdings and to provide mechanisms for delivering this at scale. However, enthusiasm for this is wilting and even reversing, with governments increasingly keen to keep unfarmed lands free of formal rights and more easily available for large-scale acquisition. With regard to economic governance and the sidelining of smallholder agriculture, the current wave of land acquisitions and priority given by governments to attracting and supporting, indeed subsidising, large-scale schemes further disables the ability of smallholder producers to compete effectively and to influence agricultural and trade policies in their favour. Smallholder production systems find themselves even further under pressure. Rural communities throughout the South have had to live for decades with insecure and threatened claims to land, but now increasingly face the prospect of finally losing access to these resources to a new wave of expropriation<sup>92</sup>. In this sense, Facing a crisis or tipping-point beyond which we will see large-scale and irreversible

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<sup>91</sup> L. Cotula, *Land Grab Or Development Opportunity? Agricultural Investment and International Land Deals in Africa*. International Institute For Environment and Development, 2009, p.20.

<sup>92</sup> M. Taylor And Lorenzo Cotula, *Land Rights and the Rush for Land*, Rome, Aldo, International Land Coalition Secretariat, 2012, Pp.31-32.



changes in ownership and control over land and water, in agricultural systems, and in rural societies.

## Conclusion

Large scale land acquisition by elites and multinational companies affects the livelihood of the rural communities as access to land becomes a problem to the communities. The purported benefits of land acquisitions have generally so far not lived up to expectations, either for local populations or for host governments. In the rush to acquire large-scale lands by elites and multinational companies in the upper Sanaga division, the interest of these companies and that of the elites is placed first before that of the rural population. Decision-making ignores the wider social functions of land the ways in which secure access to land provides a foundation for dignified employment, a safety net for the poorest, and a foundation for cultural identity as well as vital ecosystem functions<sup>93</sup>. As such, the rush for land in the upper Sanaga division takes place in a manner which firmly subordinates the economic, social, and cultural rights and interests of the rural poor.

This land rush has grabbed global attention and prompted debate within the media, national parliaments, civil society, and global bodies on the impacts of large scale land acquisition to the rural communities. The controversy between customary and statutory land rights often culminates in the loss of land rights for the poorest and most vulnerable groups that compete for land rights with urban elites and large-scale agricultural enterprises/plantations. There is often a discrepancy between the stated aims and the observed impacts of large-scale land acquisitions. Large-scale investment projects in the agricultural sector have in many cases failed to deliver the expected benefits. Such investments were anticipated to contribute significantly to rural poverty reduction and development through employment generation, investments in infrastructure and increased production. Although the production of certain crops, such as sugarcane, Cocoa, plantains, maize, cassava, Eugusi<sup>94</sup> have increased, there have been a significant number of land conflicts and a series of negative social, economic and environmental impacts of large scale land acquisition by elites and multinational companies in this locality.

Land allocations for large-scale agricultural investments in Cameroon involve long-term transfers of rights and the conversion of natural spaces to monocultures. This has an

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<sup>93</sup>*Ibid*,p.58.

<sup>94</sup>African Development Bank, Cameroon: Diagnostic Study for Modernization of the Lands and Survey Sector. [http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Cameroon\\_Etude%20sur%20le%20cadastre\\_english\\_001.pdf](http://www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/Cameroon_Etude%20sur%20le%20cadastre_english_001.pdf),2009, accessed, 15 September 2019.

impact on local people's food security and therefore requires a specific precautionary approach that works in the interests of communities, investors and the state, guaranteeing public peace for the leading stakeholder in development to ensure that the different activities can co-exist harmoniously<sup>95</sup>. The current regime for allocating large-scale land concessions was not designed to regulate the kind of vast projects that are emerging in the new wave of demand for arable land, which could well exceed 2 million hectares. It does not address key issues such as how to identify land that is regarded as available for allocation to agroindustrial companies, how to determine the criteria for allocating land to agro-industries, how to take account for the rights of indigenous communities and the use rights of all local populations, how to introduce proper compensation for land and resources that takes account of the replacement value of threatened local uses, and how to protect biodiversity and mitigate the ecological impacts of agro-industrial operations.

Land is a multi-faceted resource that is vital to local people's survival, but also the basis for diverse investments. It is a commercial resource that can be privately appropriated, but also a public good and common asset and it is an inalienable ancestral heritage that is handed down from before future generations, which also supports agricultural production. Because of its central role in local and national development strategies and the close attachment that communities feel to their living space, it is essential that land is managed prudently to avoid the risk of conflict over its use with the rural communities<sup>96</sup>. Large scale land acquisitions by multinational companies and elites raised concerns of Civil Society organizations to defend the interest of the rural communities. Their research and publications have raised national concerns on multinational companies and large scale acquisition of land in Cameroon. The advocacy by civil society organisations on land related issues will be examine in the next chapter.

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<sup>95</sup> S. Nguiffo, *Agro-industrial investments: Large scale land acquisition in Cameroon* p 57.

<sup>96</sup> *Ibid*, p.58.

## CHAPTER FIVE

### CIVIL SOCIETY ORGANISATIONS ADVOCACY ON LARGE SCALE LAND ACQUISITION

Land based investment multiplied in Cameroon from the year 2000 and increased in 2008 as a result of the financial crisis, oil crisis and the food crisis. This phenomenon that affects many places in the world. However, the more pronounced in Cameroon land deals where companies have obtained or are seeking land for agro-industrial purposes. This net increase in the demand for agro-industrial land concessions has raised a lot of debates on its impacts to the rural communities. It appreciates for its contribution to job creation, wealth and infrastructure, but on the other hand, it is disliked because it threatens food security, increases poverty of small farmers and workers and despises values such as transparency. The seriousness of these threats justifies the condemnations by civil society organizations, multilateral organizations like World Bank, FAO, IFAD, UNCTAD, and OECD and those interested in the phenomenon favour the enactment of the principles, codes of conduct and guidelines to correct the negative effects of these investments. Among the corrective measures is the requirement for transparency to ensure that these investments are not made in an opaque manner, through an open and participatory process in which the various stakeholders and interested parties have access to information. Several agro-land investors have deployed considered these constraints.

Technically, the Cameroon legal framework does not provides for access to information in the process of awarding agro-industrial land concessions<sup>1</sup>. When the investment conducted in unregistered lands or the national domain supervised by the state, the 1974 ordinances and the 1976 application decree which stipulates modalities for the management of the national domain and the right to negotiate contracts with those requesting the land are the legal instruments used. This is done through the concession procedure which consists in the signing of a contract between the State and the investor. The consent of the host state is thus a prerequisite to the transaction. This is undoubtedly done without respect to the legitimate owners of customary lands rights but legally the consent of formally recognised land owners are considered during land transactions in Cameroon<sup>2</sup>.

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<sup>1</sup> P. Kenfack, *The Legal and Institutional Framework on Access to Information in the Granting and Management of Land Concessions in Cameroon*, Herve MOMO creative, Cameroon, 2015, pp. 10-13.

<sup>2</sup> *Ibid*, p.14.

Cameroon embarked on a land reform announced in January 2011 by the Head of State, initially to facilitate investor's access to land, in order to develop the "second generation" agriculture<sup>3</sup>.

The Government decided to broaden the reform process by inviting civil society to provide inputs and the latter made several proposals, in an isolated or coordinated manner. Historically, land management has been marked by conflicts between traditional rights and state law, which diverge on the issues of recognition of customary land ownership. Since the colonial period, state law has thus considerably reduced the scope and substance of communities' rights over land and the ongoing reform provides an opportunity to review this mechanism. Current land tenure laws present a number of shortcomings that are largely due to the fact that their main structure was designed 45 years ago, when the last in-depth reform on these issues was carried out. These shortcomings relate to the recognition of land rights, the effective recognition and enforcement of procedural rights consultation, public participation, access to justice and key issues such as compensation and sharing of benefits arising from land resource management.

Inconsistencies between the various laws relating to the management of natural resources forests, land, mines and the environment. An analysis of civil society proposals highlights its attention for issues relating to the reform process inclusiveness, transparency, the recognition of land rights collective rights of rural communities, individual rights of community members, rights of marginalised groups, nomadic and indigenous herders of the forest, especially women and the youth, the simplification of land procedures and the improvement of government services. The main proposals made concern the expected outcome of the land reform policy blueprint as well as legislative and regulatory texts and the content of the new law, which should simplify individual's access to land ownership, as well as protect populations against customary lands acquisitions<sup>4</sup>. There are also proposals to strengthen land governance institutions and to protect people against unlawful expropriation, to recognise and protect individual and collective customary land rights, secure the land rights of marginalised groups and improve the management of land-related conflicts. Despite their relevance for the reform in the Cameroonian context, the LandCam project is an opportunity to render the proposals more consistent and supplement them to cover all the

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<sup>3</sup> ACDIC, CED and Friedrich Ebert Stiftung, *Plaidoyer pour une réforme du régime juridique des cessions de terres à grande échelle en Afrique Centrale : Document cadre*, Yaoundé, PUA, 2012. P.48.

<sup>4</sup> CED, RELUFA AND IIED, *Civil Society Proposal for Land Reform in Cameroon: Assessment of the existing Legislation*, 2019,p.3.

issues that would allow an in-depth land reform, as the one envisaged in Cameroon. Recommendations made for the project to test the main proposals in order to secure the recognition and protection of community land rights and to have the new consolidated proposals brought forward by a broad coalition of civil society stakeholders<sup>5</sup>.

Local and international NGOs have played diverse roles in helping marginalised women and local communities to fight for their land rights through education and resistance. The activities of NGOs are part of a general community outcry against LSLAs and can be appreciated through the examination of their actions, and *raison d'être*<sup>6</sup>. NGOs tend to base their arguments against LSLAs on three fronts environmental ecosystem protection, the need for accountability to the local community and the protection of human rights and livelihood of affected communities. This chapter will examine the activities of civil society organisations that are involved in the land Cam project and the National Engagement Strategy aim at reforming the land ordinance in Cameroon in order to solve the negative effects of large scale land acquisition in Cameroon.

### **I. Civil society organization and land issues**

Civil Society Organizations (CSO) has been interested in monitoring the activities of investors on large scale land acquisition for agricultural venture. This CSOs acts as mediators between company and the local communities in respecting the rights of the local communities. Their activities and reports have called for national concern on large scale acquisition of land for Foreign Direct Investments in Cameroon. This CSOs work with the local communities to protect the rights of the local communities in granting land concessions to foreign investors and to raise the awareness of the local communities of the impact of large scale land acquisition by multinational companies and political elites.

CSOs protect rights of the local communities to be vigilant and step up advocacy for greater consideration of human rights issues linked to large scale acquisition of land for plantation agriculture and for more inclusive involvement of civil society organizations and the local communities in negotiating land concessions to investors in order to ensure sustainable development<sup>7</sup>. Civil Society Organizations, continue engagement in third world countries, working with local NGOs and representatives of civil society organization,

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<sup>5</sup>*Ibid*, p.4.

<sup>6</sup>L. Forjong et al, Large scale land acquisition : implications for womens land rights in Cameroon, international development research center, Canada, 2016, p 130.

<sup>7</sup> S. Nguiffo and M. Watio, *Agro Industrial Investments in Cameroon...*, P.46.

support efforts to increase local control over land use, secure local land rights , strengthen local voices, and to improve governance, transparency, accountability and redress in investment processes. Large land areas in Cameroon are held under agribusiness and logging concessions. In 2008, the government launched a series of reforms in the natural resources sector to update land, forest, mining and environmental laws. But the process has been too sectoral, both among ministries and non-governmental bodies.

Land under customary tenure some 85 per cent of Cameroon's land is becoming increasingly insecure. Investors seeking extensive areas for development mainly political elites and multinational companies seek for land in rural areas that is under customary land ownership. Mining, forestry and agribusiness concessions overlap with one another and with protected areas and community lands, leading to conflict<sup>8</sup>. A major coordination effort is needed to ensure that the voices of all stakeholders are heard in the reform process and that all stakeholders are well informed of both the reality on the ground and of good practice in securing rights and improving governance. The LandCam project piloting approaches to secure rights to land and natural resources in selected sites and supporting inclusive national level debate about workable reforms of the relevant laws. The LandCam project works with key stakeholders across Cameroon to negotiate rights to land and natural resources through demonstrable good governance and workable reforms of the relevant laws, create new spaces for more informed, effective and inclusive dialogue and analysis, engaging the public and media, as well as civil society platforms and monitor changes on the ground, track legal reforms and share lessons nationally and internationally. LandCam focused its efforts at the grassroots level. Working directly with local civil society organisations and community groups. The major civil society organization involved in this project are the International Institute for Environment and development, the Center for Environment and Development and the Network for the Fight Against Hunger in Cameroon<sup>9</sup>.

A study conducted by the Centre for Environment and Development (CED) on Foreign companies involved in large scale land acquisition in Cameroon for agricultural investments showed that most companies deliberately conceal information about their status and about some of their operations. This study showed that it was difficult, if not impossible,

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<sup>8</sup>M. Taylor and Cotula, Land Rights and the Rush for Land, Rome, Aldo, international land coalition secretariat, 2012, p .15.

<sup>9</sup> S. Nguiffo, and Brendan Schwartz, Illegalities in Forest Clearings for Large Scale Agro-Industries in Cameroon, CED, Yaounde, Cameroon, 2013, available in <http://www.corporatejustice.org/MGH/pdf>. Accessed on 13 December 2016.

to obtain even the most general information about companies, such as the amount of land acquired for investments and their ultimate destination of their final products and observable gap in the publication of information<sup>10</sup>. Local people know nothing about the terms of the land concessions and conditions of operations in the locality. Most of them do not know whether the companies have any social obligations on large scale land allotments to the local communities. It is also impossible for communities to ensure that they are properly taken into account or to oblige the company to respect its proper obligations<sup>11</sup>.

Another issue raised by the CED was that of lack of information which affects both local communities and the local administrative officials that are responsible for monitoring the companies activities and ensuring that they comply with the terms and conditions of the agreements in allocating land concessions. This lack of data makes it hard for government agencies to monitor and control what the companies are doing. One of the main benefits that agro industrial investments on large scale land concessions granted by the state is that these concessions are expected to generate income from land rental fees. According to current legislation, the income derived from the allocation of parcels of land in the national domain through concessions or leases for investments should be distributed as follows: “The State will receive 40 per cent, the commune where the land is situated will receive 40 per cent, and the village community will receive 20 per cent for general interest initiatives”<sup>12</sup>. The fact that the state is expected to share land rental fees with neighboring communities can be seen as tacit recognition of the loss of use rights borne by local people. In theory, it should provide some of the money that these communities and the local government to finance developmental projects in the community. The reality is that it has not been effective as the local governments and the rural populations are not even consulted in granting land concessions.

The citizens Association for Defense of Collective interest has conducted research and published reports on large scale land concessions for agricultural investments. This organization work to defend the interest of the local communities<sup>13</sup>. The action research and good practice by investors on large scale land acquisition by foreign investors carried out by ACDIC raise national concerns on the rights of the rural population to be protected by

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<sup>10</sup> Interview with Jaff Napoleon Bamenjo, Aged 45, Coordinator RELUFA, Yaoundé, 15 June 2018.

<sup>11</sup>P. Kenfack , S. Nguiffo and T. Nkuntchua, *Land Investments Accountability and the Law: Lessons from Cameroon*, p.5.

<sup>12</sup>S. Nguiffo and Watio, *Agro Industrial Investments in Cameroon...*, P.46.

<sup>13</sup>P. kenfack, S. Nguiffo and T . Nkuntchua, *Land Investments Accountability and the Law: Lessons from Cameroon*, p.19.

recognizing customary laws and respects of customary land tenure in granting land concession for investments. Also, ACDIC engage in capacity building and good practice to educate the local communities on their rights and work with the community in the defense of community rights in the allocation of large-scale land concessions for investments. It completely opposed large scale acquisition by foreign investors and advocate for land governance reforms. This is mainly because the land governance reform does not take in to consideration the interest and the rights of the local communities.

The increasing pressure on customary lands and lack of government coordination on large-scale land deals leads to insecurity of customary rights. Even though customary rights do not fit conventional ownership concepts, land registration allows people to transform customary rights into ownership<sup>14</sup>. However, the only official document that covers the ownership of land is the land title in which the procedure to is very long and expensive to produce a land title. Thus, popular participation in legislative reforms is advocated by ACDIC to ensure that the rights of the local communities are taken in to consideration on before allocating land concessions.

Moreover, the Network for the Fight against Hunger (RELUF) has also developed keen interest on large scale acquisition for investments. The organisation focused on sustainable measure the fight against hunger in Cameroon and improves the living conditions of the affected population. The rural populations in Cameroon are affected by hunger and one of the causes of hunger is the allocation of large tracts of land for agro industrial investments. These large scale land concessions deprived the rural population from access to arable land for subsistence farming. These allotments turn to influence the rural community by transferring them from agricultural entrepreneurs to plantation labourers. The organisation advocates that Large-scale land allocations and the assignment of rights to land and resources should cease until mechanisms have been put in place to identify and protect community rights and ensure that there is some consistency in the allocation of commercial concessions in order to avoid overlapping rights. Land allocations will cause numerous conflicts in the future unless the regimes regulating land and resources are improved and enforced. They also advocates for a National Zoning plan of land so that large scale allotments of land should not affect the local communities. Land opened for large scale land acquisition should be indicated in the zoning plan so that the population should be aware. Also there should be effective follow up by the government in allocating land concessions so that the interest of the

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<sup>14</sup>*Ibid*, p.21.



population should be protected. This will alleviate poverty in the local communities and enhance development and economic growth.

### **A. Inconsistencies Between the Land Tenure Regime and other Natural Resource Regimes**

An analysis of laws on land tenure and other natural resources reveals inconsistencies and lack of coherence. Such a situation limits the effectiveness of the legal regime of land tenure in Cameroon. The ongoing reform of land and forest regimes, which comes after the revision of the mining regime, is an opportunity to improve consistency between these laws. The following examples may be cited by way of illustration with regard to concession granting, it transpires that the transfer of logging or mining rights, all of which result in restrictions of land rights, follow processes that do not involve the communities. The location of forest concessions is determined by the state, based on the value of the area in wood resources.

It is thus established, that the boundaries and characteristics of the different categories of forest that make up the permanent forest estate shall be specified after division and consultation with the populations. In practice, zoning, which was meant to be indicative, seems to be considered as final and determination of the final boundaries of the forest concessions depends more on criteria extraneous to the local communities than on the demands of the populations. The location of mining concessions also depends on the richness of the subsoil in mineral resources and the concession holder solely responsible for choosing the site. Section 16(1) of the Mining Code of 14 December 2016 thus states that: “the Mining Titles Registry shall receive and examine all mining title or exploration permit applications and forward within 15 working days a draft instrument granting the mining title, the exploration permit or the transaction agreement<sup>15</sup>.”

The communities are not consulted for the location of concessions or for the selection of concession holders. In the case of forests, the state selects the concession holder through a public call for tenders or in some cases, the concession holder selects the site, depending on the presence of ores, determined during the exploration phase. The signing of an exploration permit implies the signing of a mining permit, if the holder so requests. Regarding land tenure, the transfer of a land concession goes through a process involving the land consultative board, during which the community representatives express their view on the

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<sup>15</sup>Article 69(1) of decree No.95/678/pm of December 1995 establishing an indicative framework for land use.

appropriateness of the land transfer, on the size and location of the concession<sup>16</sup>. Regarding compensation, for example, mining law provides for the compensation of customary land rights holders, including for the loss of land use. Section 120 of Law No. 2016/17 of 14 December 2016 to establish the Mining Code provides that “the land owner or the member of a traditional council or the traditional council shall be entitled to an allowance for the occupation of their land by the holder of a mining title”. Owners of customary land rights are therefore eligible for compensation for the loss of land use rights.

Land tenure and forestry regimes provide for compensation for land only for land title holders, while customary landowners only receive compensation for on-land development. On the system of participatory taxation, the royalties provided for are not always the same, a proportion of forest royalties is paid to neighbouring councils and communities of the mining site a proportion of mining royalties is earmarked for the councils and communities bordering the mining site. The communities living near an oil exploitation site do not receive any royalty. In recent years, Cameroon has been granting on-shore oil licenses. It should also be noted that the sharing of land royalty is provided only for concessions located in the national domain; for concessions located in the private state estate, the entire land royalty is intended for the Treasury. However, forest concessions located in permanent forests, part of private state lands, effectively result in forest royalties being shared among the state, the councils and communities

### **C. Civil Society Proposal on Land Tenure Reform in Cameroon**

The last major reform took place 45 years ago, and the resulting legislative implementation and often major changes in the national context have provided us with lessons which we should take into account in the reform. In addition to this, the world has changed, with new legal standards, international policies, and experiences which are likely to influence domestic laws. The new reform comes at a time of huge demographic growth a threefold increase in population from 8 million in the mid-1970s to 25 million in 2020, increased demand for land and natural resources due to forestry, mined resources, agro-industry and intensive livestock farming, elites plantations, major transport and energy production infrastructure. There is considerable pressure on the most popular areas for land investment the outskirts of large urban centres and large-scale investment sites, creating a

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<sup>16</sup> D. Alemagi, Sustainable Development in Cameroon’s Forestry Sector: Progress, Challenges, and Strategies for Improvement, *African Journal of Environmental Science and Technology*, 2011,P.72, Available in <https://academicjournals.org/journal/AJEST/article-full-textpdf/99C69A513741>

shortage of land in these locations. At the current rate, the population is likely to grow to 31 million by 2030, and 50 million by 2050. In Cameroon, there is no land policy document setting out the Government's land management vision. Given the fact that the land issue overlaps with a number of other areas including the management of mined resources, forests, fauna, water, livestock breeding, farming and actions to reduce greenhouse gases, it is imperative that the Government sets out land management objectives to guide measures by public authorities and other actors in all sectors.

One of the difficulties in finding a solution to large scale land acquisition in the rural communities by elites and multinational companies is the lack of framework or set legislative objective. The legislator and indeed all actors may use the Government's international commitments as a guide for Cameroon's land legislation reform. Although there is no international land convention, there are at least two relevant categories of international commitments to inspire and guide the reform. International conventions ratified by Cameroon which contain provisions on land management-related issues, international political instruments which, albeit not mandatory, reflect the dominant position of global society and provide potential solutions to adapt for fair land governance. Land is inextricably linked to other resources, acting as a sanctuary for underground resources, a conduit for rivers and streams and a platform for vegetation. Traditionally there was no distinction between all of these resources and a village's "land" or "forests" referred to the subsoil, the ground and everything on it.

However, legislation has fragmented these resources, setting out a specific system for each which differs from the others. One of the main challenges are how to streamline all of these different systems, which is a prerequisite for the effective management of all resources against a backdrop of the rapid erosion of global biodiversity. Increasingly, recognising the need to streamline legislation and regulations relating to these various resources, even though there is often a lack of clear reflection and consensus on the solutions required. Cameroon initiated reform processes for forest, land, mining and environmental legislation virtually at the same time, providing an opportunity to propose a holistic solution which would be compatible with all of these areas<sup>17</sup>. National policy guidelines should serve as a source of inspiration for the legislator and should provide clear objectives to be met by the legislation.

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<sup>17</sup> Décret no. 95-531-PM of 23 August 1995 amended by Decree no. 2000/092/PM of 27 March 2000 setting out the implementing provisions of the forest system (Décret n° 95-531PM du 23 août 1995 modifié par le Décret n° 2000/092/PM DU 27 MARS 2000 fixant les modalités d'application du régime des forêts). Republic of Cameroon, Yaoundé, Cameroon. <http://www.wipo.int/edocs/lexdocs/laws/fr/cm/cm007fr.pdf>

At a minimum, the management of space and natural resources should contribute to establishing food security and sovereignty in Cameroon, which is under increasing threat creating decent and sustainable jobs, including in rural areas, reducing greenhouse gases, to help to achieve Cameroon's nationally determined contribution<sup>18</sup>.

### **1. Opportunity to prevent land conflict in Cameroon**

Land is one of the only reasons which causes mankind to kill without remorse<sup>19</sup>. Land is one of the main causes of conflict in the African continent, including inter- and intra community conflict, and conflict between various claims to land tenure rights. These conflicts are often passed on to subsequent generations and hinder both peace and production. In the light of Cameroon's specific circumstances, the reform may work towards promoting peaceful land management, by clarifying rules and procedures which take into account the rights of the rural communities. Land is particularly crucial to Cameroon's development strategy. Half of the population still lives in rural areas and is highly dependent on the land for its subsistence.

The complexity of the land issue is linked to its multiple roles and uses. It acts simultaneously as a production platform, an intrinsic resource and a crucial component of communities cultural and even spiritual identities. Yet seemingly the legislator does not always grasp this multifaceted role, and applies a greater weighting to the economic considerations<sup>20</sup>. The ambivalence of the land issue can make it difficult to develop a legal framework, as well as adding to ongoing misunderstandings between Government authorities and the investors to whom they allocate land tenure rights and communities. Indeed there are frequent conflicts over land and resources between these two sides. The current reform provides an opportunity to incorporate this ambivalence into Government land law, with increased demand for land and more investments requiring land, together with demographic growth, conflicts over land are common and on the rise. This produces major land security challenges for all actors Government, investors and communities and highlights the

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<sup>18</sup> CED (Cameroon Centre for Environment and Development) (undated) Petit livret du foncier – Cameroun. CED. Report for the RRI. <http://rightsandresources.org/wp-content/uploads/Petit-Livret-du-Foncier.pdf>

<sup>19</sup> Interview with Abanda Aserne Zang, Aged 81, Minta, 14 may 2019.

<sup>20</sup>Cousins. B, Potential and pitfalls of 'communal' land tenure reform: experience in Africa and implications for South Africa. Paper for World Bank conference on 'Land Governance in support of the MDGs: Responding to new challenges' Washington D.C., USA, 9-10 March 2009. [http://siteresources.worldbank.org/INTIE/Resources/B\\_Cousins.doc](http://siteresources.worldbank.org/INTIE/Resources/B_Cousins.doc)

inextricable links between these actors<sup>21</sup>. The reform should help to prevent and reduce conflict, and provide more peaceful societal relations in Cameroon.

## **2. Recognise Collective Land Tenure Rights applied throughout the Country**

Collective land tenure rights are a constant in Cameroon's customary rights system. Indeed, all communities have space and resources which belong to the community as a whole and therefore cannot become private property. These spaces are managed based on rules which the whole communities are aware and people outside the community excluded from decisions on how they are managed. One example of such spaces is hunting areas in Cameroon's forests. These spaces co-exist with privately owned spaces. During the initial years of the German protectorate, the colonial administration demonstrated its willingness to dismantle collective rights, by creating the concept of vacant, ownerless land, and by only recognising individual ownership rights of communities over their customary lands<sup>22</sup>. Despite these efforts collective rights survived and remain alive and well in all regions of Cameroon, over a century after the first attempts to evict or marginalise collective right holders.

Nowadays, collective rights are recognised as an effective means of managing land, and are deemed to afford better protection for forests and biodiversity than any land management system which marginalises local or indigenous communities. It is increasingly acknowledged that recognising and protecting these space and resource management methods provides a guarantee to reduce greenhouse gases produced by deforestation. The Voluntary Guidelines highlight the importance of collective rights in land and resource governance and draw on the major international legislation in this areawhere indigenous peoples and other communities with customary tenure systems have legitimate tenure rights to the ancestral lands on which they live, States should recognize and protect these rights. Indigenous peoples and other communities with customary tenure systems should not be forcibly evicted from such ancestral lands. In order to recognise the application of collective land tenure rights and to achieve the resulting legal effects, the new Law must recognise that each village owns its traditional native land, without further requirement or formality<sup>23</sup>. Thus, Recognise villages,

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<sup>21</sup> CED , Garantir les droits communautaires aux terres et aux ressources en Afrique: guide de réforme juridique et des meilleures pratiques, 2014 ;FERN, FPP and CED. <http://www.cedcameroun.org/garantir-les-droits-communautaires-aux-terres-et-aux-ressources-enafrique-guide-de-reforme-juridique-et-des-meilleures-pratiques/>

<sup>22</sup> M. .Taylor And Cotula, *Land Rights and the Rush for Land*, Rome, Aldo, international land coalition secretariat, 2012, p .15.

<sup>23</sup> S. Nguiffo, and Brendan Schwartz, *Illegality in Forest Clearings for Large Scale Agro-Industries in Cameroon*, CED, Yaounde, Cameroon, 2013, p. 18, Available in <http://www.corporatejustice.org/MGH/pdf>. Accessed on 13 December 2016

by virtue of its very existence, has a legal personality, without further requirement or formality and also ensure that the village is the lowest level of decentralisation and that it is able to determine its own land management terms, under the supervision of the Government authorities, based on rules which secure the land tenure rights of the weakest members of the community. The title deed would be a specific document which recognises the community's collective ownership, and land would be non-transferable. The administration would set management roles and approve any transfers of rights, to ensure compliance with these rules and that any deals are of benefit to the community. Government agencies would be funded by taxation and would continue to fulfil their control and inspection duties in various domains, including the environment.

### **3. Guarantee Secure Land Tenure Rights for all Actors**

This involves recognising the land tenure rights of all local community actors and improving the security of registered rights and investor rights. Recognising and protecting the full range of community land tenure rights as communities which hold collective or individual customary rights do not always register these rights, either because they cannot be registered. It is estimated that 85% of land in Cameroon is unregistered. A considerable section of this land is found in rural areas which are governed by customary rights. However, land governed by customary rights alone is particularly vulnerable. Customary lands are neither recognised nor afforded any specific protection. If a land application is made, they are deemed to be available and can be sold. No compensation is paid to customary right holders, and they are dispossessed of their land. The increase in investment and infrastructure projects dispossessed communities to move to resettlement sites which they or the Government have identified. Sometimes, whether at their own initiative or on the instruction of Government authorities, these communities settle on the native lands of other communities, which therefore sparks intra-community land conflicts. On the subject of customary rights, the most vulnerable members of the community often see their customary rights over land and resources restricted and accused both men and the authorities of unfair management of native lands<sup>24</sup>.

Land tenure rights of women, young people and indigenous communities are groups with specificities which prevent them from fully exercising the majority of land tenure rights, which are awarded to men by custom and practice. Therefore one of the main challenges the

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<sup>24</sup>CED , RELUFA, Civil Society Proposal on Land Reform in Cameroon : An Assessment of the Existing Legislature, 2019 , P . 20.

new legislation will be to ensure that the rights of these groups are recognised and protected. The issue of access for women, young people and other vulnerable members of society remains an ongoing challenge. Although the legislation does not discriminate, practice and sometimes traditional rights dictate that their rights to exercise land ownership or use land securely are, to a greater or lesser extent, restricted. Women, who are recognised as the driving force behind national agricultural production, particularly for subsistence foods and as the main people affected by the allocation of family farming land outside the family estate, deserve far more secure land tenure rights. Meanwhile young people are concerned about the greater risk of land shortages, which could considerably reduce their production capacities and make them more vulnerable in the near future.

Under current legislation, access to land ownership is subject to the proven added value of the land, prior to July 1974, on which date the Ordinances came into force. Anyone who, by this date, could not prove that they were of the required age to individually add value to the land over which they claimed ownership were excluded from direct registration. The system penalises indigenous forest communities, due to the fundamental differences between their lifestyles and the dominant model on which the law was based. The closeness of this community to nature and the lack of impact that their traditional way of life has on the environment has deprived them of any means of providing evidence for their presence through proven added value, as this criterion is entirely irrelevant to them. As hunter gatherers, they occupy land which may span up to several thousands of hectares and have no way of proving their presence on this land.

There are two types of nomadic herders in Cameroon; the first remain within a specific area and move their livestock around this area for pasture and the second practice linear transhumance over a far wider area than the first. The first group has a very real land ownership claim, at least for the section of the land which they are permanently based, and claims a minimum of secure land use rights in grazing areas. For the second, access to transhumance corridors with ready water and grazing supplies seems to be the priority, with land ownership being of a lesser importance. Both groups have specific land-related needs which are very different to those of the country's majority communities. Improving the security of registered land tenure rights and investor rights Registered rights are usually contested, particularly if they have been registered directly. Similarly, when the Government grants land concessions or long-term leases for lands which it classifies as falling within its

private domain, communities continue to claim customary rights over the areas in question and therefore the peaceful enjoyment of these rights cannot be guaranteed.

#### **4. Ensure that Communities are fully involved in Land Management**

Land management is characterised by a range of actors, some of whom may have their lives turned permanently upside down due to decisions taken by the administration, and the resulting measures. It is therefore, crucial that all of the actors involved and particularly holders of tenure rights including customary rights, are kept fully informed, consulted and involved in the decision-making process. In the absence of information from the Government or investors, customary land tenure right holders often have to make do with unreliable sources of information, resulting in misunderstandings which can cause conflict between users co-existing within the same space. Moreover, well-led consultations provide an opportunity to understand the constraints, expectations, rights and interests of local land management actors. In this way, it is possible to ensure that rights that are crucial to the survival of communities in the location of planned investments are upheld, and plans can be adjusted accordingly. Equally, Boost participatory mechanisms for non-Governmental actors to make land management decisions, primarily by setting out participation rules, and strengthening the powers of bodies that currently act in an advisory capacity to Set out rules detailing responsibilities and terms for land management in the village, ensuring that non-transferability is guaranteed and that the rights of the most vulnerable members of the communities<sup>25</sup>.

The 1974 ordinance and its implementing legislation do not provide mayors with any specific land management jurisdiction. Instead, jurisdiction lies with a local community representative administration located on the outskirts of the commune. Mayors did not form part of Cameroon's institutional structure at that time. The divisional officers are often entrusted with the primary responsibility for managing land within National Lands. Traditional leaders often challenge this role, claiming that the representatives of the administrative authority often relocate according to their assignments and therefore, unlike the locals, do not stay in the district for long enough to experience the consequences of their decisions<sup>26</sup>. The mayor's primary role is to prepare and implement the communal

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<sup>25</sup>F. Reenberg, "Land Grab in Africa: Emerging Land System Drivers in a Teleconnected World Global Land", 2010, project report # 1, Copenhagen: GLP-IPO available from [www.globallandproject.org](http://www.globallandproject.org). Consulted on 4 August 2020.

<sup>26</sup>CED.REFULA, AND IIED, "Reforming Land Tenure in Cameroon :Avenues for Action civil Society Land Policy note", 2020 at [www.landCam.org](http://www.landCam.org) accessed on 02 December 2020.



development plan and therefore in principle is embedded in his/her community for the long-term, and attached to the commune for his/her entire term of office. Given the current context, mayors could be entrusted with land and tenure powers devolved from the divisional officer and these new responsibilities could be exercised under the SDO's administrative authority. It would ensure that a local elected representative be involved in land management and it would create an additional level of control in the land governance system.

The corruption risk be mitigated by balancing the division of duties between the village as a whole, the traditional authorities, mayors, local administrative authorities and central authorities, which would regulate the appropriateness and legality of each decision. Improve coordination between the land administration and the administrations managing natural resources. The land forms a platform for many other production and conservation activities. A number of public administrations are responsible for managing activities which directly or indirectly affect the land. Land management effectiveness therefore depends on the optimal interconnection of these different sectors, and of the legislation and regulations which govern them. Legislation and policies on land, forests, mined resources, water and climate change must be consistent, in order to provide effective integrated management of the land and other natural resources<sup>27</sup>.

Protects community land for future generations demand for land is generally at its highest in rural areas, which is also where the most land-dependent communities live. The demand for land is broadening that is for plantations, agro-industry, construction of major infrastructure, mining and forestry operations, planting of community or communal forests, creation of Government land reserves, or classification of space under private Government land, the creation of protected areas and future carbon concessions. Land demand is also on the increase the surface area of Cameroon for which rights have been transferred represents over a third of the national territory. The rights transferred to restricted spaces protected areas and those used for major infrastructure. However some of these areas overlap and should not be added. Global demand for agricultural produce, the proximity of the European market, the cost of land and labour in Asian countries and the relatively easy land access in African countries are all factors which drive the demand for land. There is also a current pressure on land from local users due to demographic growth and the need to feed rural populations. It is therefore crucial that governments with an abundance of land manage such land as effectively as possible, to ensure that the weakest in society have access to it.

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<sup>27</sup>*Ibid.* p. 6.

## **II. Proposal to Review Large Scale Land Sales Systems**

Large-scale land sales are one of the causes of conflict over land in rural areas. They are also one of the main terms on which land tenure rights are transferred and statistics indicate that they are becoming increasingly common in Cameroon and in Africa as a whole. The current system was designed at a time when the phenomenon on its current scale was very limited. The process works on a case-by-case basis, based solely on fertility, accessibility and profitability criteria. The main plantations requiring land are rubber and palm oil, which encroach on forests witnessing the gradual conversion of forests into agroindustry areas. There are a number of factors to be considered and they are not always properly regulated, which leaves gaps providing extra leeway for businesses. These include social issues such as identifying and assessing the land requirements of local communities and indigenous peoples, environmental considerations protecting sites of high conservation value, such as great ape habitats and the habitats of other protected mammals, and wildlife corridors between two protected areas, or between protected areas and their buffer zones and even yield for the Government and communities land rental price, job creation targets, tax and customs breaks. The contracts entered into with investors do not provide sufficient protection for Government and community interests. Some companies seeking land do not use the whole of the surface area in question and companies very rarely optimise their productivity. Keeping unused or underused land under concession deprives resident communities of the opportunity to operate their own production activities in these spaces, and deprives the Government of the chance to allocate the land for uses which are more beneficial to the public purse or the community. Given the current pressure on land, large-scale land sales should be approached with the greatest caution.

Implement a moratorium on land sales for agro-industry, until the performance review of concessionary companies is complete and the new legislation comes into force. Limit the surface area sold for agroindustry. The maximum surface area could be revised downwards; Setting up a specific system would enable the government to mediate between different uses of the same space, in order to be able to select the optimum allocation for any given space. Apply greater stringency to applications to convert temporary concessions into permanent concessions<sup>28</sup>. A number of companies have received permanent agreements without really providing proof of their ability to implement the projects for which the land was granted. Implement monitoring systems for large-scale land investments, to ensure that companies are

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<sup>28</sup>*Ibid* pp 8\_10.

complying with their commitments and to be able to apply sanctions as quickly as possible. Improve the expropriation, compensation and retrocession system. By law, the Government may carry out expropriations in the public interest, in order to implement national interest projects. Those affected by expropriation should receive advance and fair compensation. There are a number of weaknesses in Cameroon's compensation system. The reform may be able to address some of these weaknesses, in order to ensure that the Government is in meeting its international commitments. Complaints by those eligible for compensation generally revolve around information on exact surface areas for expropriation, comprehensive identification of people affected, comprehensive identification of destruction, damage covered by the compensation, compensation amount, payment terms and dispute management terms.

It is also noted by civil society organisations that the public interest compensation rate is very often used for destruction in rural areas, even when destruction is caused by companies acting outside the scope of public interest. Proposal Clarify what is covered by the public interest, and set out terms and conditions for its use by the administration and by beneficiaries. Ensure that all property and rights compromised by the expropriation are taken into account comprehensive damage assessments, including legitimate yet unregistered land tenure rights, take into account all collective and individual land tenure rights, even those which are unregistered. Currently, collective rights are excluded from the assessment. This oversight can only cause greater impoverishment for the affected communities. Conduct a major review of compensation rates, and revise the terms used to calculate value. Replacement value should be used by default and make a clear distinction between the expropriation systems for destruction in the public interest and for destruction outside the scope of public interest<sup>29</sup>.

The destruction of community assets outside the scope of public interest gives rise to compensation payments based on the rates applied to expropriations in the public interest, which are far lower than the market rates. Prioritise compensation in kind where possible, in order to prevent situations in which communities are handling large sums of cash, but are not able to rebuild their destroyed assets. Prior to destruction, set out terms for fast and suspensive appeals for the benefit of those affected, Ensure that advance compensation

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<sup>29</sup>F. Reenberg, "Land Grab in Africa: Emerging Land System Drivers in a Teleconnected World Global Land", 2010, project report # 1, Copenhagen: GLP-IPO available from [www.globallandproject.org](http://www.globallandproject.org). Consulted on 4 August 2020.

becomes embedded, and implement systems to enable those affected to benefit from a fast appeal process in the event of an expropriation dispute, or to receive compensation<sup>30</sup>.

#### **A. Advocacy on Access to Information on the Land Deals**

An unfavourable mechanism of access to information through direct means is the consultation by those interested in information put at their disposal. When a land concession is granted in Cameroon, apart from the state, people and communities are informed through the publication of the decree of the Ministry of State Property and Land Tenure granting concessions of less than fifty (50) hectares or the Presidential decree, granting concessions of more than fifty (50) hectares. This approach conveys the impression of direct access to information. But, this is an illusion. Apart from the publication of land award notices at the divisional and sub divisional offices of the area concerned, the publication of an order or a decree is an operation which communities and civil society organisations do not consistently follow and it is only incidental that some consult the official gazettes that publishes legal texts. This approach only informs about the final result of the allocation operation. The affirmation according to which the Cameroon legal system is unfavourable to direct access to information results from the absence of a law organising access to information by the public on land concession granting process, but also and especially the non existence in the system of a provision allowing the availability of information on land transactions and the absence of an obligation to publish contracts by contracting parties.

Absence in the legal provisions of systematic access to information by the public on activities relating to land concessions. In most countries, there are three instruments which enable the public to directly get information on land operations. This concerns land policy document, land use plan and instrument for land publicity<sup>31</sup>. A Land policy is a document through which the State indicates the key guidelines on land allocation on its territory. It is the first transparency instrument as it enables citizens, investors and every interested person to know the different intentions of the lawmaker and to find out if in the order of choices concessions are a priority or not.

A land use plan is a document through which the authorities of a country proceed to allocating portions of land and indicate the use for which each portion or blocks is subjected. It allows potential investors and the public to know the lands available for concessions. It

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<sup>30</sup>*Ibid*, p.11.

<sup>31</sup> P. Etienne Kenfack, The legal and institutional frame work on access to information in the granting and management of land concessions in Cameroon, Herve momo creative cameroun, Yaounde, April 2015, p. 16.

allows people claiming rights over the lands to manifest their claims. The Cameroon Government has initiated studies to produce these two documents. They are still written and are therefore not yet of help to any person wishing to have information on present or future land transactions in Cameroon. The third document that provides information on land transactions is the land registry document which registers land operations. In Cameroon, this document only registers operations on titled lands in conformity with ordinance No. 74-1 of 6 July 1974 and decree 76/165 of 27 April 1976, stipulating the modalities to obtain a land title modified by decree No. 2005/481 of 16 December 2005 which is not the case with concessions. However, it registers final concessions, but, simply to transform them into property ownership. This means that it gives no information on the land concession granting process and the management of land concessions in Cameroon.

### **B. No Obligation to Publish Information Imposed on Contracting Parties**

The granting of land concession is an agreement signed between the State and the concessionaire on land in the national domain. The State does not come in only to protect general interest, but as a contracting party. There is no provision in the Cameroonian law laying down any obligation on contracting parties to a land concession to provide information to third parties on the content of their agreement. Cameroon respects the principle of relative effect of contracts which means that the contract is the law for the two parties. The guidelines and international principles recommend States to consider the third parties in such transactions. It should be argued that the publication of a presidential decree or the ministerial order announcing the granting of concessions are not concession publication acts, rather they are simply acts aimed at making available to the public regulations enacted in Cameroon. In submitting land concessions to regulations governing contracts, the Cameroon lawmaker chooses to limit or prevent access to information through direct means in this domain. This option is thus in contradiction with Cameroon's commitment vis-à-vis internationally binding legal instruments. It equally involves a negation of the consideration of the situation of the vulnerable groups<sup>32</sup>.

Access means specific to land concessions indirect access to information relating to the granting process and management of land concessions is governed by Decree No.76-166 of 27 April 1976 which lays down the conditions for the management of the national domain and provides for a Land Consultative Board. Appointed by the Senior Divisional Officer and

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<sup>32</sup> Ibid, p . 18-20.

based at district or subdivisional levels, the Land Consultative Board is comprised of: The Divisional Officer of the sub-division where the land is located, President; A representative from the Department of State Property, Secretary; A representative from the Department of Survey; A representative from the Department of Town Planning; A representative from a ministry that is related to the project; The chief and two notables of the village or the community where the land is located. The Land Consultative Board shall meet at least once per trimester upon the convocation of its president as stipulated in article 13<sup>33</sup>.

The members of the Board must receive a notice of the meeting and an agenda at least ten days prior to the meeting date. This provision does not in any way provide clarity on the issue of access to information. Article 14 explains that the Board shall deliver an opinion on applications for land concessions. The agenda accompanying the notice of the meeting served at least ten days in advance, the chiefs and notables representing the peoples are by this means, automatically informed of the allocation process of the planned land concession. By this same means, they shall be informed of the environmental risks of the project and the measures taken to address the impacts within the framework of the environmental impact assessment undertaken by a consultancy firm hired by the promoter of the project. According to article 17, section 1 of law No. 96/12 of 5 August 1996 establishing the framework for environmental management, “promoter of any project, equipment or facility that poses a risk to the environment because of its size, nature or the impact of its activities on the natural environment, shall undertake an environmental impact assessment to assess the direct and indirect impact of the project on the ecological balance of the area, the environment and quality of life of people and the impact on the environment in general”.

Section 2 of the text adds that the impact assessment shall be inserted in the file submitted for public inquiry. The public assessment of the land is undertaken by the Land Consultative Board, which enables it to provide an opinion considering not only land but environmental issues as well. The Land Consultative Board shall have the following responsibilities: It proposes to the divisional authority, a distribution scheme of the agricultural and pastoral lands in the rural area according to the needs of the people. This competence gives the Board members the right to oppose the allocation of land in an area that will not cater for the fundamental needs of the people.

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<sup>33</sup> Decree No. 76-166 of 27 April 1976 which lay down the modalities for the management of state land.

It enables the Board to inform associations, NGO and the authorities on the violations of legal texts that may be encountered during the allocation or management of land concessions. Apprehensive of the consequences of the availability of information on the granting procedures, the administration remained as discrete as possible. Authorities responsible for the allocation of the land failed to respect the procedure set out in article 13 of the Decree. Consequently, the local communities became aware of the project thanks to the investigations of NGOs. However, the Land Consultative Board has two essential weaknesses<sup>34</sup>. Its opinions are not binding on the administration which may, quite legally, take contrary decisions to the Board's proposals; · It is secondary to the decision and does not have access to information concerning the nature and conditions of the land transaction. This arrangement which makes access to information difficult is complemented by rules of international origin.

### **C. Protecting the Rights of the Vulnerable Groups on Land Deals**

Most of the land governed by tenure regimes do not explicitly protect the rights of those who depend on the land, such as women, youth, smallholders and subsistence farmers, indigenous peoples and communities dependent on forests, grasslands and other natural resources. The situation is particularly deplorable for women that constitute the majority of smallholder farmers. Gender discrimination in land prevents women from realizing the full benefit from their hard work and it is a constraint on development in particular the achievement the right to food for all and equitable progress. Commercialisation concentrates land in the hands of those that can successfully assert ownership, such as community leaders and male household heads, often to the detriment of poor rural women's access and use rights. Under these conditions, women are subjected to exclusionary pressure from male relatives or community members. Decisions over land pass swiftly from women into the hands of men without the participation of women. In cases where compensation is awarded to communities for lost resources, women are less likely to be direct recipients of such awards. Gender equity is established as fundamental to the achievement of sustainable development.

Cameroonian peasant organisations advocate for food production at the smallholder level for local and regional consumption. According to ACDIC regional director Simon Bing, intuitively, "it doesn't make sense to be buying what we can produce ourselves." Moreover, smallholder production can be very efficient if the state provides for economies of

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<sup>34</sup> J. Pritchard et al, *Securing Community Land and Resource Right in Africa: A guide to legal Reform and best practice* 2019 at [www.ced.org](http://www.ced.org) accessed on 15 August 2020.

scale. Just as importantly, fairness can be achieved in ways that are not possible when large companies monopolise market power in production and distribution<sup>35</sup>. For this reason, peasant organizations advocate the democratisation of land ownership and systems of food distribution to markets. Food sovereignty advocates oppose the concentration of land ownership and make efforts to remove corporate agribusiness from the picture. As a powerful alien entity in the community where the food is produced and where it is consumed, agribusiness tends to harm both producers and consumers.

#### **D. Analysis of Initiatives and Tools to Secure Local Community Land**

Over time, the colonial policies and regulations adopted after Cameroon's independence have gradually eroded and confounded the process of recognising and securing customary land tenure rights. Aware of the major challenges of the land issue on a local level, communities themselves have been the first to implement new systems and approaches to secure their land rights. Communities have been forced to adapt to new circumstances following a move from customary rights to land tenure statute law and given the pressure on traditional community land. Both national and international partners have put forward new approaches to recognised and secure customary land rights to help communities with this process, with rather mixed results. Community land tenure rights in Cameroon have continually evolved throughout the country's history. These rights are governed by traditional customs, and also impacted by national and international legislation.

These three contexts deal with rights in very different ways, from strengthening them in the international sphere to withdrawal or even denial in the national and local spheres. This situation exacerbates pressure on traditional community land. Land is monopolised for all manner of major investment projects in the forestry, mining, agro-industrial and infrastructure sectors including the construction of dams, roads and railways. To a certain extent, the creation of the National Lands in 1974 helped to establish the coexistence of statute law and the full range of customary rights. However, this coexistence has not re-established communities' traditional land tenure rights, which have been reduced simply to customary land use rights, enshrined both in land-related legislation and in other sectoral laws. This means that communities have no choice but to use the official registration process if they wish to own their own land. This out of step situation causes uncertainty and tension

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<sup>35</sup>O. De schutter, "Large scale land acquisition and leases : a set of minimum principles and measures to address human right challenges", available in <http://www.srfood.org/images/stories/pdf> accessed on 20 May 2020. P.21.



between different claims of legitimacy. It also gives the government free rein to award commercial rights to land falling within National Lands, thus suppressing the land rights claimed by rural populations<sup>36</sup>. This situation leaves the occupants of 90% of Cameroon's land with insecure tenure rights, rendering them "de facto squatters" on their own customary lands<sup>37</sup>.

Moreover, the legal system in force favours land use rights which are granted and sanctioned by the Government over customary claims, and legal protection is only afforded to those who can provide proof of the land's added value. Meanwhile, marginalised groups, indigenous peoples and women find themselves in an even more vulnerable situation in relation to land management. Indeed, indigenous communities have faced changes to land systems since the colonial period, and colonial laws which the Government adopted after independence favours individual property, imposing ownership as the basis for the land system and therefore indirectly removing ancestral rights to land. There have been protests against this land-related injustice, and both national and international level. Commitments and actions have been put in place to develop and protect community land tenure rights. A number of initiatives and tools to recognise and secure customary land tenure rights have therefore been tested, to ensure that these rights are neither contested nor unexpectedly questioned.

The landCam project highlight the need to take into account social differences when assessing opportunities and restrictions for accountability, including differences in gender, age, status, income, wealth or socio-economic activity. It advocates for the review land and community legal provisions, to give communities the power to document their own native land, and to be recognised by the Government as legitimate caretakers of all of their land. Strengthen the process to recognise collective ownership and simplify the implementation process and management tools. Enable governance to be decentralised to village level, to recognise the village as a local governance institution representing the community, and define its relationship with the customary authorities. Grant villages the right to own and manage entire areas of land collectively with no further requirement or formality. This would prevent a situation in which only a tiny proportion of villages are registered at an extortionate cost.

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<sup>36</sup> African Development Bank (AfDB)/African Development Fund (ADF) (2009) Étude diagnostique pour la modernisation du cadastre et des domaines au Cameroun. [http:// docplayer.fr/1922271-Banque-africaine-de-developpement-fonds-africain-dedeveloppement.html](http://docplayer.fr/1922271-Banque-africaine-de-developpement-fonds-africain-dedeveloppement.html) accessed on 21 June 2020.

<sup>37</sup> W. Alden, Whose land is it? The status of customary land tenure in Cameroon. Report of the Centre for Environment and Development / FERN / The Rainforest Foundation UK 2011? Available in [https://www.fern.org/fileadmin/uploads/fern/Documents/cameroon\\_eng\\_internet.pdf](https://www.fern.org/fileadmin/uploads/fern/Documents/cameroon_eng_internet.pdf) accessed on 21 June 2020.

Simplify the registration process for community collective land, Recognise village concessions in land legislation.

These concessions include all customary lands claimed by communities, including those which overlap other land allocations forestry development units and farming<sup>38</sup>. Clarify the role of participatory mapping as a management tool, rather than a prerequisite to recognising land ownership. Build the capacity of community institutions to manage the land as a shared resource and set up government support and mediation systems<sup>39</sup>. Linking ownership rights to the requirement for added value, build the concept of ownership on the basis of customary rights, adopting a forward-looking vision of securing community land tenure. Ensure that women and minority and disadvantaged groups are represented in land management bodies, and ensure that they are actively involved in such bodies. Put in place territorial sustainable development and planning systems which are cascaded down to village level. Implement international processes which could be used to advance land reforms and Ensure that reforms are properly coordinated, and that proposed solutions are incorporated.

#### **E. Monitoring Land Quality for Environmental Sustainability**

Ensuring that land is sustainably managed requires monitoring its use and this is essential in all land deals. One of the main problems arising from poor land management is land degradation or reduced capacity for the land to perform certain ecosystem functions and services. Land degradation caused by erosion, nutrient depletion due to soil mining, desertification, salinity and chemical contamination caused by pollution<sup>40</sup>. Land degradation results in loss of soil and soil productivity, surface and ground water pollution, modification of the hydrological cycle, a weakened ecosystem resilience and less capacity for the land to store carbon. Large-scale land deals usually have long leases that meet the requirements of development projects for long-term land security.

The Land Cam project therefore monitors the land use in a systematic manner throughout the life of the contract. There is need to improve the track record of many African states in monitoring environmental impacts of development. Some countries have very good

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<sup>38</sup> M. Bachelet et al ; Systèmes fonciers et réformes agraires en Afrique noire. In: Tiers-Monde, tome 11, n°41, 1970; [www.persee.fr/doc/tiers\\_0040-7356\\_1970\\_num\\_11\\_41\\_1695\\_t1\\_0236\\_0000\\_2](http://www.persee.fr/doc/tiers_0040-7356_1970_num_11_41_1695_t1_0236_0000_2) accessed on 22 June 2020.

<sup>39</sup> M. Bassa et al , Review of Initiatives for recognizing and securing of land rights in south Cameroon at <http://www.Landcamproject>, accessed on 13 June 2020. P.15.

<sup>40</sup> L. Thiombiano., Etude des facteurs édaphiques et pédopaysagiques dans le développement de la désertification en zone sahélienne du Burkina Faso. Thèse de Doctorat d'Etat. Université de Cocody ,2000, Available at <http://www.window.state.tx.us/taxinfo/proptax/caprates.html> Consulted on 31 December 2019, pp20-26.

environmental laws and regulations but lack the capacity to enforce them due to ineffective regulatory agencies. To ensure compliance, a new approach is required. One option to ensure sustainable land use is to include a clause in the land deal contract requiring that the investor's operations be certified by the International Standard Organization (ISO). Monitoring the relevant indicators and comparing actual measurements with target values can determine changes in soil quality. For large-scale land deals, the target values should be those measured at the site before the investor's development. Monitoring should provide information on the effectiveness of the farming system, land use practices, technologies and policies. A farming system or policies that contribute negatively to any of the selected indicators should be considered potentially unsustainable and thus discouraged or modified. Systems that improve performance of the indicators should be promoted to assure sustainability. Nutrient flow analysis can be used by scientists to evaluate various agricultural systems or practices to determine those that are most effective in maintaining or enhancing land quality and hence sustainability<sup>41</sup>. Based on their performance, these can therefore be recommended and promoted.

Soil quality needs to be monitored to sustain plant and animal productivity. The key issues here are minimising loss of soil erosion and loss of soil productivity. Land cover can be used as a surrogate for erosion<sup>42</sup>. Land cover describes the extent, duration, and timing of vegetative cover on the land during major erosive periods of the year. This indicator could be obtained by remote sensing. Soil productivity is directly related to the type and amount of the soil organic matter. Emphasis should be placed on the dynamic carbon pools that are most affected by environmental conditions and land use change. The type of crop grown affects organic matter; amount of roots, biomass, harvest efficiency and the way residue is managed<sup>43</sup>. Organic matter increases with high residue crops in rotation with cover crops and conservation tillage compared to monoculture and conventional tillage. The number of microorganisms in the soil is proportional to the organic matter content in the upper 30 cm hence the higher the organic matter content, the higher the microbial biomass<sup>44</sup>.

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<sup>41</sup>FAO, Agro-ecological zoning guidelines. FAO soils bulletin 76, Rome,2005, PP. 40- 42.

<sup>42</sup> C. Dumanski Pieri, Land Quality Indicators: Monitoring and Evaluation. In Land Use, Land Cover and Soil Sciences, 2008,[Ed.Willy H.Verheye], in Encyclopedia of life support systems (EOLSS), Developed under the auspices of the UNESCO, Eolss Publishers, Oxford ,UK. Available in: <http://www.eolss.net>. Consulted on 31 December 2019,pp. 14-16.

<sup>43</sup> Oakland Institute. 2011. Understanding land Investment Deals in Africa: FAQs on Food Security and Western Investors,2011. Available at [http://media.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI\\_FAQsjune5.pdf](http://media.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI_FAQsjune5.pdf) Consulted on 31 December 2019, p 30.

<sup>44</sup> M. Schnitzer. *Soil Organic Matter, the next 75 years*, Soil Science, Havard press, 1991, pp. 41-58.

Soil organic matter therefore can also be used as an indicator of below ground biodiversity. Quality to be monitored is excessive applications of fertilizers and manure that may cause nutrient loading resulting in environmental degradation due to nitrates and phosphates leaching. The trend in the crop yield compared to potential farm level economically feasible yields can be used as an integrator of soil quality. This indicator however needs to be used with caution because there are other factors that have an impact on yield such as cultural practices, respecting the agricultural calendar, climate change, actual rainfall, land management. A comprehensive analysis should therefore be carried out to determine what forces are causing the change in yield<sup>45</sup>.

### **III. The National Engagement Strategy and Land Governance in Cameroon**

National Engagement Strategies (NES) in Cameroon is a synergies and developing networks for change. These platforms became networks in garnering support to promote the land rights of women, youth and Indigenous groups. The Cameroon platform also collaborated with the African Union supported Network of Excellence on Land Governance in Africa (NELGA) to develop advocacy tools for young people and women in the context of customary land management. The set up NELGA node in the University of Yaoundé, Cameroon, the network was able to develop debates and arguments about how to support forest peoples whose mobile nature has made it hard to secure tenure. The network also joined efforts with the FAO in Cameroon to promote the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security<sup>46</sup>.

National legislative frameworks on land, that govern land rights, are instrumental to the wellbeing of rural women and men in many African countries. These frameworks are thus crucial for the work of the International Land Coalition (ILC) whose mission is to promote secure and equitable access to and control over land for the poor. In this realm, ILC's National Engagement Strategy (NES) serves to engage like-minded partners, in a coordinated manner, at the national level, in order to obtain land-related laws and policies that benefit the vulnerable and marginalised. In Cameroon, the ILC NES process is being led by a steering committee of ten NGOs and networks, including the only two members of ILC, MBOSCUDA and CED. These organizations are working together to address land rights

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<sup>45</sup> M. Fonteh et al, Guidelines for Sustainable Large Scale Land Deals in Africa, Food and Agriculture Organisation, 2017, PP 18- 20.

<sup>46</sup> I. Bionyi, International land coalition, Annual report 2019, Pp.18-20.

challenges including obsolete land tenure regulation, customary law, and a rise in shady largescale land deals resulting from an intensification of mining activities and a switch to second generation agriculture<sup>47</sup>.

Cameroon's land tenure regulation is characterised by several loopholes that render it generally unresponsive to the needs of various vulnerable groups, such as women and indigenous people in particular and poor rural communities in general. These loopholes were largely responsible for the surge in land related conflicts resulting from pressure from international and local large scale investors and speculators who benefits from the state of the land governance framework to grab large expanses of arable land to the detriment of poor rural communities and other vulnerable groups. Other sources of pressure on land are large-scale projects such as the construction of large dams, the intensification of mining activities and large commercial plantations, which amplified major land use changes to the detriment of local communities. Many communities feel systematically detached from their land as a result of the inappropriateness of the current land governance system, which fails to protect their land rights and interests.

The NES process in Cameroon seeks to address this situation by creating a people centered land policy environment that responds to, and protects the land rights and interests of vulnerable groups such as smallholder farmers, women and indigenous people, thereby guaranteeing their socio-economic and cultural wellbeing. Since 2012, Cameroon's Ministry of Lands and State Property led a land policy reform process, which was expected to improve the land governance framework of the country and render it more adapted to the present global and national context. NES Cameroon seeks to contribute to this land policy reform process in a bid to ensure that the resulting policy is adequately responsive to and protects the land rights and interests of these vulnerable groups. The overall objective of ILC's National Engagement Strategy for Cameroon is to contribute in creating a land policy environment that responds to and protects the land rights and interests of vulnerable groups such as smallholder farmers, women and indigenous people thereby guaranteeing their socio-economic and cultural wellbeing. ILC's National Engagement Strategy for Cameroon specifically seeks to influence the on-going policy reform process initiated and spearheaded by Cameroon's ministry in charge of lands, in order to ensure that the resulting policy framework more responsive to the needs and interests of the vulnerable segments of the

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<sup>47</sup> National Engagement Strategy on Land Governance in Cameroon: Position paper on land Reforms in Cameroon, Yaounde, 2015 Available at <http://www.nescameroon.org>. p.14

population. It also Contribute to the improvement of pro-poor land rights administration within the framework of the reformed land policy environment, Strengthen the capacity of communities to play a frontline role in negotiating, protecting and defending their land rights. Strengthen the capacities of Cameroon's civil society to organize and act in order to ensure good land governance and defend the land access and ownership rights of poor and vulnerable communities<sup>48</sup>.

The reform of land policy and land tenure needs to be such a way that it takes in to account needs, expectations, aspirations and concerns of all stakeholders involved in the land issue in Cameroon. It must be pluralistic. That is, balance the land laws and regulations of the country, legitimacy and legality, modern land laws and customary land rights. It must be inclusive, nondiscriminatory and strengthen national identity in order to ensure the economic, social and cultural harmony, and social peace. It must be fair and equitable, by facilitating access to land for all social categories including the poorest, most vulnerable, unprivileged, and needy people in urban and rural areas of Cameroon. Consistency should be taken in to cognisance that is, harmony with the policies and management laws of other natural resources, to avoid conflicts and overlaps observed today in the legal texts governing the management of natural resources in Cameroon forests, mining, land, oil, legal texts governing town housing law governing town housing, rural and agropastoral development, and mining code<sup>49</sup>.

The State land reform must include a document on land policy, National Estates and cadastral issues a draft law on land policy and land tenure in Cameroon. Land planning requires that legislative or regulatory instruments governing land issues be preceded by the development of a policy that gives the overall vision of land management within a country. For more than 45 years now, land tenure has been governed by an order. Hence, Popular and democratic legitimacy of the process suggests that a law that is passed by the Parliament of Cameroon governs the reform of land policy and land tenure. The liberalisation of politics and the progressive construction of a democracy, dictate that this law be fulfilled in due form with the consent of the National Representation. The recognition and protection of the rights of local and indigenous populations in land management the new land policy should recognise, protect, and fulfill a set of fundamental rights of local and indigenous populations to land management. A clearer and more precise definition of concepts related to land management,

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<sup>48</sup> *Ibid*, p.14-18.

<sup>49</sup> Interview with Samuel Nguiffo, Aged 50, Secretary General for Center for Environment and Development, Yaounde, 08 January 2019.

such as riparian populations, living space, village, traditional chiefdom, indigenous populations, rural land tenure, obvious influence of man on earth prospective use of land based on international instruments that the State of Cameroon has ratified.

Recognition of customary ownership of land, according to on-going customs and practices in the communities, in order to ensure a long-term improvement of the living conditions to the population. Institution of tools to be implemented by traditional authorities for the recognition of customary land ownership of individuals or communities by regulation of campaigns and operations of collective and collaborative demarcation and registration. Recognition and institutionalization of the rights to land ownership for all, including the most vulnerable and marginalised people in society like women, youth, and indigenous populations. Establishment of an effective payment and resettlement principle before executing any decision for expropriation from the public domain or any eviction from an illegally occupied land. Institutionalisation and sustenance of land areas in village communities, which comprise among others, lands belonging to village communities as well as territorial estates, which co-exist alongside the national estate. Establish a land area in village communities which comprises among others, lands belonging to the village communities, which will be recognised as customary land and governed by the innovative provisions of the new land law<sup>50</sup>.

According to custom, ownership evidenced by the approval of neighbors who testify that the occupant or his family have been settled there peacefully for a long time; whether the land is developed or not. Most land conflicts between different stakeholders in rural areas are in the National Estate. Although the latter administered and managed by the State according to the ordinance of 1974, it has been occupied and used in daily life for thousands of years by the village communities, under customary and family devolution<sup>51</sup>. The law to be voted must therefore incorporate, at the request of the occupants, their ownership right over customary

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<sup>50</sup> Due to the low levels of transparency surrounding many investment deals, the data of the extent of these deals are scattered and incomplete. In its report "Rising global interests in farmland (...)", one of the most comprehensive treatments of the global scale of this phenomenon, the WB bases its information on three sets of sources: For 14 of the countries which recently have experienced increased investor interest, officially available data from land directories was analyzed (Deininger & Byerlee, 2010). This was complemented by case studies and panels with wide representation to assess policy, legal and institutional frameworks in these countries. Lastly, the authors analyzed all media reports on the theme which was collected and made available on the GRAIN website ([www.grain.org](http://www.grain.org)) between 2008 and 2009. Although the triangulation of sources is likely to have increased the robustness of the WB estimates, it is important to be aware of the high level of inaccuracy which is bound to accompany any (gu)estimates of this sort.

<sup>51</sup>L. Cotula, Land Deals in Africa: What Is in the Contracts? London International Institute for Environment and Development, United Kingdom, 2011, at <http://books.google.com/books?hl=en&lr=&id=CRX7vyKJpa4C&oi=fnd&pg=PA1&dq=Land+deals+in+Africa:+What+is+in+the+contracts?&ots=B MgsWTUQ4e&sig=NboIILTQdY1BDGyHICU011xiwww> accessed on 20 July 2020, p. 42.

possessions, ancestral lands, residential lands, farming lands, plantations, grazing lands, ground paths, cultural and traditional sites, whose use is peaceful. Recognition of customary ownership to any individual of Cameroonian nationality or his descendants or assignees, once it has peacefully occupied a portion of the national domain for a period of 20 years, and that this right is recognized by the traditional authority.

Establish in the law on land policy and land tenure in Cameroon, provisions that enhance the limitation of usable spaces for primary basic needs such as family farming, habitat, sacred places, hunting, mining, traditional forest production and biodiversity conservation<sup>52</sup>. The taking into account of the needs expressed by all operational strategies of sectorial ministries responsible for economic, social, and cultural development. The recognition of the validity of local practices and the role of local management institutions. The delimitation of living spaces in villages and country side, which must not suffer any land expropriation for land allocation or transfer to multinational companies and corporations for agro-industrial purposes. The accuracy of the modalities for retrocession of the land to the former owners and their assignees, at the end of the concession<sup>53</sup>.

#### **A. Participation of Indigenous and Local Populations and Civil Society Organizations in Land Governance, and in Regulating Land Management**

The integration mechanisms for the participation of indigenous populations and civil society organisations in the consultative frameworks and processes of land governance and land regulation is very important in the land reform process. Several concordant studies have found a large gap in the national land legislation, in terms of participation of indigenous and local communities and CSOs in processes of governance and land regulation. The necessary mechanisms have to do with facilitating access to information for local and indigenous populations, and CSOs through publication of information related to land transactions in the concerned communities. This publication should make use of modern communication media. Delimitating the areas to be allocated in the framework of large scale acquisitions of agricultural land on large scale for economic reasons, while involving Local Farmers Organizations in the allocation process, Integrating community leaders into the advisory committee, and elected citizens, representatives of civil society organizations established at

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<sup>52</sup> Paul Tchawa, *La Cession des Terres à grande échelle au Cameroun: Etat des lieux et analyse prospective du cadre réglementaire*, 2012. ACDIC/CED, USAID (undated) Property Rights and Resource Governance Country Profile: Cameroon. Washington. <http://landwise.resourceequity.org/record/1294> accessed on 13 March 2019.

<sup>53</sup> Interview with Fon Nsoh, Aged 42, Coordinator Community Initiative for Sustainable Development, Yaounde, 9 January 2019.



the local level, and farmers' organizations. Increasing the accountability of traditional authorities in the advisory committees, as well as the competences of these committees with regard to local management of land disputes, and allocation of financial and logistical means to Consultative Boards, for their effective functioning. Creating a National Council for Consultation and Regulation of Land Governance with local branches. Establishing the independent and local observatory for land management; Supplying information for the administration and users of the plots granted registered, assigned, transferred, and under concession and their occupants.

The establishment of a transitional period of eviction for spontaneous occupants of the public domain or the private domain of the State establish in the law on land policy and tenure in Cameroon. Provision granting a transitional period for the actual eviction of people who spontaneously occupied the public domain or the private domain of the State, to allow them to relocate, with the support and guidance of public authorities and civil society organizations and with a shared schedule. In the urban setting, many people occupy spontaneously, plots belonging to the public estate or to the private National Estate. Most often, they acquire these plots in sales under private settings; with no legal status under the law. When eviction operations are undertaken, it should be that they have got according to the regulations concerning the right to suitable housing a transitional period allowing them to find a place of resettlement. The said transitional period should be at least two years and it should be decided upon, only after an exhaustive survey of households, corporations and individuals affected by the eviction process. The process of creation of land reserves should take the form of concerted urban development operations, involving local residents as partners, instead of massive expropriations. The desired follow-up should be governed by laws organising the National Council for Consultation and Regulation of Land Governance, and the independent and local observatory for land management<sup>54</sup>.

Repression of acts committed by officers and professionals of the private sector who work in the areas of land surveys and tenure, establish in the law on land policy and land tenure, provisions against acts committed by officers of the Ministry in charge of State Property, Surveys and Land Tenure on duty. Some land users have been complaining of slowness in procedures, in violation of legal texts, bribery, and fluctuations in the fees to be paid to advisory committees. Similarly, a significant number of conflicts related to land

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<sup>54</sup> National Engagement Strategy on Land Governance in Cameroon: Position paper on land Reforms in Cameroon, Yaounde, 2015 at <http://www.nescameroon.org>, accessed on 12 June 2020, p.20.

management in Cameroon are consecutive to faults committed by officers of the Ministry in charge of State Property, Surveys and Land Tenure on duty.

However, because the repressive legislative framework for this type of offense is weak, they reoffend and perpetuate their acts, to the detriment of the interests of the State and users. The new land regime should solve this problem by prescribing a set of sanctions that will be applied to this class of workers of the Ministry in charge of State Property, Surveys and Land Tenure. Those penalties should also prosecute for complicity or co-action, members of other ministries, public services, professional of the private sector and commissions involved in land management<sup>55</sup>.

### **B. Fair Implementation of the Law without Discrimination Establish in the Law on Land Policy**

Many stakeholders suspect discrimination in the treatment of issues related to land transactions or to related litigations. This is the case for instance, of women, indigenous populations and small producers. The situation of youth is even more worrying due to the obsolescence of Articles 9 and 11 of the Decree No. 76 / 165, which imposes prospective use of land that is traced back to before August 5, 1974, as a pre-requisite for direct land matriculation. The law to intervene must therefore suppress any situation in which, on the basis of membership or non-membership, real or assumed, of an ethnic group or race, religion, belief, age, disability, sex or place of residence, a person is treated less favourably than another is, has been, or would have been in a similar situation.

The law to intervene should put in place means of recourse towards decisions related to land tenure, which are simple and efficient as well as citizen-oriented control mechanisms to validate land allocation and ensure a rigorous follow-up of the commitments of each stakeholders during the signing of conventions. Revise the restrictive provisions of the Decree No. 76 / 165 of April 26, 1976, which was modified and completed by the Decree No. 2005 / 485 of December 16, 2005, establishing the conditions for obtaining a land title which require that the prospective uses of lands be traced back to before August 5, 1974. Coherence between land tenure taxes and forestry, mining and land laws, and pastoral code. Aligning the texts that govern ownership, tenure, and cadastral tax, with other related texts governing access to natural resources, forestry, mining and grazing. The diversity of texts and practices in collecting ownership taxes, tenure taxes, cadastral taxes, forestry taxes, mining taxes, and

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<sup>55</sup>*Ibid*, p.21.

grazing taxes lead to overlap of rights over the same space. Similarly, the notion of actual ownership which enables individuals who have acquired a piece of land according to customary laws to pay the land tax just like titleholders, institutionalizes the rights of ownership over nonregistered lands. It thereby gives room to the creation of new ways of securing land property apart from the land title or to serious land disputes, in case the taxpayers who are using the said land are of bad faith. Establishing by legal means, harmonized mechanisms of payment and redistribution of forest royalties, mining, land, and grazing.

Maintaining consistency in state and property tax revenues by establishing single points of payment, and by removing the notion of common owner and curatorship in the stamp registration code, which is inconsistent with the right to property, according to the law in force<sup>56</sup>. Reduce costs of establishment of the land title, making acts accessible by reducing the costs of registration procedures. During land transactions, the assessment of a square meter (m<sup>2</sup>) of land is set at minimum, with respect to land tenure, tax code, the directory of the Directorate General of Taxes, and according to the Decree No. 2014 / 3211 / PM of September 29, 2014, which fixes the minimum price applicable to transactions on the land in the private domain of the State and other texts and documents of the same register such as mercurials. This diversity of texts leaves discretion to the Tax Inspector, to assess and fix at will, the amount applicable to the corresponding field, thereby unleashing overpricing and corruption. One of the reasons why public officials defraud users is the continuous lack of logistics for the processing of files computers, desks, photocopiers, vehicles.

The law No.76/25 of December 14, 1976 on the organization of land tenure provided in each department, administrative commissions for cadastral mapping, whose activity is still difficult to assess today. The new land law should consider a review of costs and access to registration, by setting down fees for advisory committees and initiating collective registrations campaigns for disadvantaged populations. Establishment by regulation of a measure designed to limit overpricing in the assessment of areas on which land transactions. This will require the establishment of a key chart for a given period five or ten years, the value of m<sup>2</sup> of land by category, with the relevant criteria, and on the entire national territory<sup>57</sup>. Institutionalization and protection of the principle of easing fees or allowing free

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<sup>56</sup>*Ibid*, pp. 22-25.

<sup>57</sup>Anonym, The Cameroon Civil Society Engagemnet Charter for Sustainable Development Goals, 2016, Yaounde, p.30.

access to land and land title for people living with physical disabilities, the poor and / or the unprivileged.

The provisions of the Decree No. 79-97 of March 21, 1979 that fixes the composition of the Administrative Commission of cadastral boundaries and the modalities of its functioning.. The courts are flooded with land disputes eligible for legal ruling, which account for at least half of cases brought before the judge. A lack of land security hinders investment and constitutes an ongoing threat to social harmony. New legislation must aim to achieve land security for all of the country's right holders, for both registered and unregistered rights. One of the main causes of disputes over registered land tenure rights, including those of major land concessions, is that they very often overlap unregistered customary land, for which ownership is claimed by parties other than the right holders stipulated by the Government. Rights are very often registered by parties who do not hold prior customary rights over the land in question.

This situation makes communities feel that their land has been stolen by the elites with the support of the Government. This causes conflict and sometimes prevents registered landowners from exercising their rights. The new legislation must seek to reconcile legality and legitimacy in this area. The new legislation must clarify rights, uses, and terms of access and withdrawal. Gaps and oversights in the current legislation have led to highly contestable rights being registered. It is difficult to challenge these rights due to the permanent nature of the title deed. Land is a vast and complex issue where the Current legislation does not cover all of the issues raised by land management, and indeed some of these issues have only very recently entered the public domain. One of the challenges for the new legislation will be to ensure that all aspects of land management are regulated. Land is a key issue which directly affects the lives and survival of millions of inhabitants, and its management has a direct impact on our production and consumption methods. The reform debate has therefore attracted many proposals, from politicians, traditional authorities, women's groups, indigenous communities, young people and civil society organisations. This frenzy of interest shows that citizens are willing to help prepare the content of the legislation<sup>58</sup>.

## **Conclusion**

Large-scale land acquisitions are seen and promoted by governments as opportunities to attract the much needed investment particularly into agriculture. However, many of the

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<sup>58</sup> Interview with Mama Jean Marie, Senator, Aged 70, Réseau des Parlementaires pour la Gestion durable des Ecosystèmes de Forêts denses et Humides d'Afrique Centrale, Yaounde, 10 January 2018.

deals have been concluded with weak land tenure governance and where land tenure and legislation is complex, and land valuation insufficient<sup>59</sup>. Hence, emerging land conflicts from trend of violation to the rights of the local communities. The very low price of land in Cameroon in comparison to land values in other parts of the world as well as high risks of environmental degradation as interest in purchasing or long-term leasing of large portions of land, particularly in Cameroon is projected to grow, efforts have to be made to sustainably make win-win deals, to make investments be effective inclusive development opportunities. As it stands, a number of grey areas ought to be clarified for example duration of land leases vary from 25 to 99 years, what is or should be the interest of the host countries in these deals. The impact of these deals on food sovereignty; would food crops be used for local consumption or exported in times of famine in the investors country; is there enough productive land for crop production and planting of crops to be used in the production of agro-fuels. This brings civil society organizations on board to monitor and advocate on large scale land acquisition by multinational companies and elites in Cameroon and in the upper Sanaga division in particular on arrangement that benefit both the country, investors and local communities and highlight technical and socio environmental areas to foster sustainability. It provides a basis for win-win investments that effectively contribute to the socio-economic development of the countries as Long term monitoring of the land use, as that will ensure the sustainability of land deals.

The analysis of many large-scale land deals by civil society organizations suggests that there are challenges to address to attain the above noble objectives and to ensure a peaceful coexistence with the rural communities<sup>60</sup>. Many of these deals lack sustainability and can neither be considered as a win-win for investors nor for the majority of the host countries population. Even though tenants and landlords do take environmental aspects into account when negotiating land rent in these deals, there are no specific guidelines with objective technical measures. Furthermore, the current situation reveals the need for relevant guidelines that can promote the sustainability of the deals. Civil society Organisations aim at providing tools for equitable and sustainable land deals to policy makers, ministries, regulatory bodies, negotiators, investors, planners, local government's authorities, traditional leaders, and investment authorities and directorates. Any negotiation is enhanced by a

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<sup>59</sup> P. Bottazzi et al , "Executive Stakeholder Summary – Sustainable Soil Governance and Large-Scale Land Acquisitions originating in Switzerland". 2016 Retrieved from Available in [http://www.nrp68.ch/SiteCollectionDocuments/Rist\\_ExecutiveSummary\\_EN.pdf](http://www.nrp68.ch/SiteCollectionDocuments/Rist_ExecutiveSummary_EN.pdf) on 31 December 2019, pp 5-6.

<sup>60</sup> Mathais Fonteh et al, *Guidelines for Sustainable Large Scale Land Deals in Africa*, Food and Agriculture Organisation of the United Nations . Tunis, 2017, pp. 48-49.

common and collective understanding and the guidelines could be used to enhance land deals for the mutual benefit of all. It provide advice and technical tools to create an enabling environment for land deals. In the absence of consistent and reliable information on land acquisition, a number of civil Society Organisations through the landCam project and the National Engagement Strategy have brought together NGOsnation wide to advocates on large scale land acquisition by multinational companies and the elites in Cameroon which has gradually increase in recent years. Several factors seem to underpin these land acquisitions. These include food security concerns, particularly in investor countries, which are a key driver of government-backed investment. Food supply problems and uncertainties are created by constraints in agricultural production due to limited availability of water and arable land; by bottlenecks in storage and distribution and by the expansion of biofuel production, an important competing land and crop use. Increasing urbanisation rates and changing diets are also pushing up global food demand.

Government-backed deals can also be driven by investment opportunities rather than food security concerns. In addition, global demand for biofuels and other non-food agricultural commodities, expectations of rising rates of return in agriculture, land values and policy measures in home and host countries are key factors driving new patterns of land investment. As for rates of return in agriculture, rising agricultural commodity prices make the acquisition of land for agricultural production look like an increasingly attractive option<sup>61</sup>. Some agribusiness players traditionally involved in food processing and distribution are pursuing vertical integration strategies to move upstream and enter direct production. The advocacy by civil society organization on land deal in Cameroon is very imperative to bridge out the negative effects of land deals in Cameroon and protects the rights of the vulnerable groups in Cameroon especially the rural population. Large-scale land acquisitions continue to be an important issue for governments, development organisations, NGOs and farmers' organisations all over the world. This remains the case even in times of global economic slowdown, recession and crisis<sup>62</sup>. The scale of this trend and its significant impacts on rural transformation and livelihoods make it necessary to further monitor, observe and positively influence such deals wherever possible.

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<sup>61</sup> M. Giger, International Land Deals for Agriculture: Fresh insight from Land Matrix, 2016, at [www.landmatrix.org](http://www.landmatrix.org) Pp ; 40-43.

<sup>62</sup> Lorenzo Cotula et al, *Land Grab or Development opportunities? Agriculture Investments and International Land Deals in Africa*, IIED, London, 2017, Pp 40-41.

## CHAPTER SIX

### CHANGING RURAL LAND VALUE, SUGGESTIONS AND PERSPECTIVES

#### Introduction

Land in the rural areas experienced a drastic change in value, influenced by large scale land acquisition especially in the Upper Sanaga Division. Land in the rural communities has become a store of value and a measure of wealth where elites and investors rush to acquire vast tract of land in the rural areas for investment. This has greatly change the value in the rural land used patterns and investments from subsistence farming to agro investments in the rural communities<sup>1</sup>. Subsistence agriculture is self-perpetuating and simply increasing the input of traditional factors of production, land and labour that reap low rates of return. However, foreign investment in agriculture, especially land based investments, has impacts on stakeholders at the local, national, and international levels, including investors. Increased investment on large scale agricultural land in the communities have boost productivity of agricultural systems, resulting in improved domestic food security, exports to world markets and change in land value in the rural communities. In the past land in the rural areas was used for hunting, subsistence Agriculture, Gathering of fruits etc. Although these activities are still practiced in the rural communities, Large scale land acquisition have influenced the gradual change in the value and usage of land in the rural communities.

Land tenure insecurity stemming from the multiplicity of rights has clear consequences on the sustainability of agricultural, pastoral and fish production systems. Land tenure insecurity has become one key obstacle to the intensification of productive activities and is the cause of numerous conflicts as a result of change in rural land use. The unofficial recognition of traditional authorities as land managers was one of the courtesies that the State has granted to chiefdoms. Indigenous and community lands, crucial for rural livelihoods, are typically held under informal customary arrangements. However, the acquisition of large tracts of land have change the land value in the rural communities. Clear and secure land tenure is fundamental for improving livelihoods and sustainable management of natural resources. Inadequate or insecure community tenure rights leads to conflict and environmental degradation when competing users fight for control over these resources. Clear and secure tenure rights and the responsible governance of tenure rights, promote

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<sup>1</sup> C. Surambo, *Implications of Large scale land Acquisition for Local communities and Indigenous People*, England, Forest People's Program, 2017, p.28.

development that can help to eradicate poverty, food insecurity and protect biodiversity<sup>2</sup>. Clear and secure tenure rights also encourage responsible investment. The acquisition of large-scale land for agro-investment in the rural communities motivated by capitalist profit-venture has taken advantage of the weak legal frameworks and poor socio-economic conditions in affected land use in the rural communities<sup>3</sup>. Given the scale and implication of land acquired particularly by elites and multinational companies in the rural communities, the rural land use have focused on Agro industrial plantations which affects the rural land use and the land value in the rural communities. In this chapter, we shall discuss the implications of change in rural land value as a result of large scale land acquisition in the rural communities in the upper Sananga Division, recommendations and perspectives large scale land acquisition.

### **I. Factors Affecting the Value of Land**

Land is considered one of the factors of production in an economy. In most large-scale land deal, land leased specified the period of time depending on the type of lease hold sign by the state and the investors. The economic value of land can be determined by many variables that are dynamic and site specific. Physical attributes of the land and the type of economic activity in the locality determines the value of land. Large scale land acquisition by multinational companies and elites affects the land value of the rural communities as the change in the land used increase the land value in the rural communities. Physical attributes include the quality of the location and the land's productive capability. Deep fertile, better structured well-drained clay loam soils in an area with a suitable climate will generally result in good crop yields.

The value of the location relates to aspects such as road infrastructure, access and distance from markets. Land closer to markets will have lower transportation costs and hence lower production costs leading to higher value for the land. Land tenure security also effectsthe value and price of land in the rural communities. Land tenure security guaranteed long-term use of the land and stable rent costs. Land tenure security therefore contributes in increasing the land value in the rural communities as a result of concessions signed with the state<sup>4</sup>.

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<sup>2</sup>A. Steer, *The Scramble for Land Rights: Reducing Inequalities between Communities and Companies*, London, World Resource Institute, p.38.

<sup>3</sup> Ibid, P. 40.

<sup>4</sup> L. Cotula and Mathieu P, *Legal empowerment in practice: Using legal tools to secure land rights in Africa*, London, FAO/IIED,2008, pp.26-28.



Speculation as a result of rural land use by multinational companies and elites also affects the change in land value in the rural communities. The recent increases in world food prices coupled with the promotion of biofuels have resulted in investors rushing and investing in agriculture because it's profitability and to ensure food and energy security.

It's however, felt that some of the investors may not actually use the land. They simply secure land for possible re-sale or re-hire as they anticipate rising demand and prices of agricultural land. They believe that the demand for agricultural land is increasing and therefore its value should do so in the future. The price paid for land is also time dependent and largely driven by how present or future benefits to be derived from it are perceived at the moment of the deal. The valuation of land is complex because a given piece of land can have different uses and hence different values. In addition, the initial use can change, for instance, converting agricultural land to urban use or to mining if the area is discovered to be rich in minerals. Land use policy zoning removes the speculative element of potential future land use changes and thus often has a stabilizing effect on land prices. Zoning for rural land use planning separates areas with similar sets of potentials and constraints.

Land is an asset of enormous importance for billions of rural dwellers in the developing world. The nature of property rights and their degree of security vary greatly, depending on competition for land, the degree of market penetration and the broader institutional and political context<sup>5</sup>. Pressure on land sets to increase over future decades, given the impacts of continued population growth, urbanisation, globalisation of markets and activities, international investment flows, trade negotiations and climate change. As a resource becomes scarcer and more valuable, those with weak rights to this resource will tend to lose out. In the case of land, Large scale land acquisition in the rural communities influenced vulnerable groups in the rural area due to a gradual change in land use.

### **A. Change in Rural Land Value for Rural Empowerment**

Rural poverty is strongly associated with poor access to land, either in the form of landlessness or because of insecure and contested land rights. In the past the rural communities hold vast tracts of land that were unexploited and under utilised. The recent commercial pressure on land have completely revolutionalised land value and used in rural communities especially with the recent large scale acquisition of land by multinational companies and elites for agricultural investments. The rush has influenced the value of land,

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<sup>5</sup> C. Toulmin and Julian Quan, *Better Land Access for the Rural Communities: Lessons form Experience and Challenges Ahead*, London, International Institute for Environment and Development, 2006, p. 26-28.

price and usage as many rural communities have engaged in large scale plantation farming to meet with the demand for food in urban areas and in the outside world. For instance The ministry of Agriculture and Rural Development in the Upper Sanaga Division have created Common Initiative Groups, in villages to sensitized and encourage the natives to carryout large scale farming. This has greatly influence a shift from subsistence farming to large scale farming. Changing land used in the rural communities empower the rural population to put vacant land in to active used.

Economic analysis recognised the importance of secure property rights for growth and therefore for the poverty reduction as a result of growth. Increased land access for the rural communities brings direct benefits of poverty alleviation, contributing directly to increased household food security. In countries where agriculture is a main economic activity, access to land is a fundamental means whereby the poor can ensure household food supplies and generate income<sup>6</sup>. Secure rights to land are also a basis for shelter, for access to services and for civic and political participation. They are also a source of financial security, as collateral to raise credit or as a transferable asset that can be sold, rented out, mortgaged and loaned. Moreover, secure access to land creates incentives for the user to invest labour and other resources in it, so as to maintain or enhance its value and sustain its productivity and to access social and economic development opportunities<sup>7</sup>. The distribution of land rights and opportunities for access to land affects distribution of wealth, rates of economic growth and the incidence of poverty, and the shape and direction of agricultural development affects incomes and returns from different types of farming activity, the value of land and demands for access to land resources.

The incentives and tenure structures that largely determine how land is used profoundly affect environmental impacts and sustainability. Current global efforts aimed at promoting development focused around the need to tackle poverty, make progress in achieving the MDGs, doubling aid flows, providing debt relief to the poorest countries, and liberalising the world economy through trade reform. Poverty Reduction Strategy Papers (PRSPs) are the principal framework for many developing country governments to deliver on these objectives, as well as a precondition for receiving debt relief. Priorities within PRSPs tends to focus on mobilising resources for service delivery, rather than on addressing the political obstacles which constrain opportunities for the poor.

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<sup>6</sup> J. Quan, Land Access in the 21 Century, Issues trends Linkages and Policy Options, 2006, International Institute of Environment and Development at <http://Pubs.iied/177981iied> Accessed on the 13 May 2020,p.23  
<sup>7</sup>*Ibid.*p.24.

Land use plans at the national, regional and local levels are a prerequisite to implementing land deals development, in order for it to be sustainable and foresee long-term land quality for various uses, preventing or resolving social conflicts, and ensuring the conservation of high biodiversity value ecosystems. Land use planning should be carried out in a holistic manner and involve all major stakeholders in the decision-making process regarding the future of the land and the identification and evaluation of all biophysical and socio-economic attributes of land units. This requires the identification and establishment of a use or non-use of each land unit that is technically appropriate, economically viable, socially acceptable and environmentally non-degrading. Land use planning promotes and maintains a pattern of compatible and efficient utilization of natural resources, which concentrates development only in areas where environmental impacts will be minimized.

Local land use plans help bring the interests of communities and investors into line, in a way that is consistent with sustainable resource use, suitable lands selected for a given purpose. Ecologically sensitive lands acquired for investments will be diverted to marginal uses, and provide investors with agro-ecological conditions on a given piece of land and the status of existing rights to that land. Agro-ecological zoning should first be determined before carrying out land use planning at local level. This process quantifies the productive capacity of land resources for human use, independent of its physical and biological characteristics. This approach was developed by FAO to determine the potential population supporting capacities at national, regional and local levels. The method can identify areas that will not be food self-sufficient, indicate future food transport requirements and can also determine areas with a potential for agriculture development<sup>8</sup>.

Population growth and urbanization has created pressure on land resources and in many contexts land holdings are becoming increasingly small. Nevertheless, part time farming is an important component of diversified livelihoods, even in urban areas and secure access to small plots can be of great benefit for food security, supplementary incomes and to provide security in the form of a capital asset. As livelihoods become more diversified and supplemented by remittances from migrant labour, secure rights of land access remain important in people's home areas particularly for women. The stabilising role of the household plot becomes especially important where the poor take up casual or wage labour

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<sup>8</sup> C. Macphillamy, "Factors Affecting Rural Land Prices In Norway: Constructing Rural Land Value", *Australian Journal of Agricultural Economics*, vol 10, 2017, p. 28.

opportunities, seasonal or longer term migration<sup>9</sup>. Restrictions on minimum land holding sizes discriminate against the poor, although endless subdivision of land should not be encouraged, and sustainable intensification of farming systems is required in order to avert widespread land degradation under conditions of population pressure.

### **B. Enforcement of Sustainability in Rural Land Used Change**

All rural land use change was preceded by Environmental and Social Impact Assessments (ESIA). The ESIA is a process that determines the environmental and social impacts and risks of a proposed project on an affected community and ecosystem. The ESIA can greatly help in the design of a project in that many negative social and environmental impacts can be avoided to ensure sustainable development. When impacts are unavoidable, they will need to be mitigated and/or compensated adequately and fairly<sup>10</sup>. Modifying the land use practice or adding certain project components to the initial design can mitigate unavoidable impacts. An example of a sustainable land use measure, which should systematically be prescribed in large-scale land deals for agricultural production, is climate smart agriculture. A project may also have positive impacts and hence the adopted project design should seek to enhance the beneficial aspects at a minimal cost. Change in land value in the rural areas have great impact on environmental impact assessment.

The putting in place of large scale plantations and the application of inorganic chemicals in crops produce effects the natural environment of the community. Thus Sustainability in large scale land deals is a call for concerned by the rural population. Environmental concerns should preferably be regulated by specified international standards rather than by national standards only, as most African countries have poorly developed environmental regulations, which, most probably, are and will be not enforced. Unspecified standards in a contract mean very little in a court of law and hence are usually not implemented by investors. There are a number of international standards or guidelines that address social and environmental issues, which could be adopted. These include the Equator Principles and the FAO Voluntary Guidelines for Responsible Governance of Tenure of Land, Fisheries and Forests<sup>11</sup>.

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<sup>9</sup>*Ibid*,pp.29-31.

<sup>10</sup> J. Tiah, "Understanding Changing Land Access and Used by the Rural Poor in Ghana", Food and Agriculture Report, 2017,p.23.

<sup>11</sup> Jie Yin , "Rural Land Use Change Driven by Informal Industrialisation: Evidences form Feguhang Village in China", *Global Scientific Journal*, Vol 26, P.128.

## **II. Integrated Land Valuation**

A sound valuation must privilege sustainability and requires an exhaustive analysis of the land deal investment. This calls for a holistic approach which includes economic, environment, social and even political considerations and attempts to weigh the relative importance of the different issues to aid in rational decision making and increase cohesion in the long term. The land valuation should consider the loss of natural resources and quantify these in economic terms. This could be in relation to their intrinsic value (i.e. irrespective of the resource's location) or their situational value. Natural resources close to human settlements have higher situational values. Natural resources with tangible economic value include timber, non-timber forest products like Fruits, vegetables, medicinal plants, etc.), fuel wood and fodder from the land's existing biomass. The change in value and use land in the rural communities influence the loss of these resources in the rural communities as rural land is mostly used for plantation agriculture. Sustainability to these products becomes a major problem to the future generation. In addition, other promotional measures such as extension services and training and expanding the social and economic infrastructure health centres, roads, schools in rural areas is an integral part of development-oriented contracts.

### **A. Environmental costs**

Social and environmental impact assessment (ESIA) requirements aim to ensure that social and environmental risks are properly identified and mitigated. Some deals involve little or no mention of environmental issues. Environmental costs result from the loss of natural resources that are non tangible in strict economic terms. Biodiversity of plant and animal populations, Protective value of vegetation in relation to soil and water resources. The functions of the vegetation as a regulator of the local and regional climate and Water and soil conditions as regulators of nutrient cycles, that influence human health and act as a long-term buffer against extreme weather events. Disruption of existing rights and privileges for water users, downstream water flow, and effect on sensitive downstream habitats and water bodies Increase in solid or liquid wastes from processing plants.

### **B. Social cost**

When land titles and use rights have not been formalized legally or are inadequately documented, communities have little to protect them from losing land ownership or access. This may result in greater social problems because land deals may further marginalise small farmers who could unfortunately lose the basis of their livelihood. Property rights and land

acquisition even in apparently land-abundant settings, there is hardly any truly unoccupied land. User rights are often informal and recognized through customs and traditions. It is necessary to respect and fairly compensate existing users. Potential loss of traditional grazing rights, water use rights and use rights for gathering food from the wild. Foreign direct investment in land is a problem if no additional sources of income are created for the affected population particularly when investors import labour from their own countries or works are machine intensive. When investment does generate employment, compliance to acceptable standards for wages and decent working conditions is an important aspect<sup>12</sup>. Once the Environmental and Social Impact Assessments is completed, this will also allow evaluating specific social costs in a land deal which will arise if negative impacts cannot be avoided. Generally, change in land value in the rural communities influence natural resource and environmental sustainability for the future generation.

### **C. Land Sales and Lease Markets**

Generally, the emergence of sales and rental markets as a means of access to land has accompanied the individualization of property rights under conditions of population growth, market development and increasing social mobility. Land transactions, whether through sales, rentals and share tenancies, loans or gifts, have long provided a mechanism for providing access to land for those who seek it and thereby for enhancing land utilization. Outside of formal markets, land transactions are embedded in customary social practice and social networks<sup>13</sup>.

Land sales markets have frequently been encouraged because they can provide a basis for the wider development of financial markets. However, despite the benefits of land ownership, in terms of investments incentive and the scope for using land as collateral for credit, the poor are generally at a disadvantage in seeking to access land through sales markets, for a number of reasons. The market value of land frequently exceeds its productive value as a result of its investment or speculative value and the role of land as a source of power and status. The role land as a hedge against inflation, and a speculative form of investment is particularly marked in circumstances of macro-economic instability and where financial markets do not work well. Moreover, in more developed economies, and where land holding is relatively concentrated or land has been improved, land tends to be placed on the

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<sup>12</sup>A. Mogos, "Large Scale Acquisition and Human Rights at Cross roads: Quest for a Right Based Approach to Land Administration in Ethiopia", *Journal of Sustainable Development Land Policy*, Vol111, p.185.

<sup>13</sup> Ibid, P.189.

market in large units and at relatively high prices. In addition the risks of mortgage finance are particularly high for the poor, and the costs of transacting in land on the formal market (in terms of legal, survey and valuation fees, taxes and duties etc) may also be prohibitively high<sup>14</sup>. The operation of land markets is sensitive to the functioning of credit markets which, access to which is often restricted for the poor, because of high risks of lending to small farmers, high interest rates the difficulties of financial institutions foreclosing on smallholders' land, and the relative absence of credit agencies from poor and remote areas - a situation which economists describe as credit rationing . Because of the poor functioning of credit, markets, land acquisitio

#### **D. Changing value and Dynamics in Land Ownership**

Over the past decade, increasing land scarcity and rising land values has profoundly influenced farm structure, land distribution patterns and young people's ability to access land and earn a livelihood in agriculture. This dynamic changes, highlights the shrinking median farm size in the region, the changing farm size distributions resulting from increased national and foreign investment in farmland, the relatively slow pace of growth among small-scale farms, changes in land scarcity and land prices, the rise of land purchase and sale markets, increasing inequality in land ownership, and the various consequences of these developments for the livelihoods of rural population<sup>15</sup>. Farm structure and farmland ownership patterns in rural areas are changing.

An increasing portion of agricultural land and national agricultural output is controlled by medium-scale farms owned by investors. Economic value in all its competing uses and should be recognized as an economic good. Land and natural resource access is fundamental to the livelihoods and food security of many surviving indigenous peoples and development policy generally now seeks not to undermine indigenous land access as a matter of human rights principle, since indigenous cultural identity and survival very much tied up with land<sup>16</sup>. However, these processes are incomplete and agribusiness development and commercial natural resource extraction, notably mining and logging continue to impose severe pressures on indigenous land and surviving indigenous peoples. In addition, land

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<sup>14</sup> M. Mugangu Mataboro, *Enjeux fonciers et violences en Afrique: la prévention des conflits en se servant du cas du Nord-Kivu (1940-1994)*. Land reform, land settlement and cooperatives, 1998 (2): 32-43. FAO, Rome <http://www.fao.org/WAICENT/FAOINFO/SUSTDEV/LTdirect/landrf.htm> accessed on 20may 2019.

<sup>15</sup> R. Mutoh, *Integrating land issues and land policy with poverty reduction and rural development in southern Africa*, Paper prepared for the World Bank Regional Workshop on Land Issues in Africa and the Middle East, Kampala, Uganda, 29 April-2 May 2002, P.8.

<sup>16</sup> *Ibid*, P.10.

redistribution and resettlement schemes can on occasion threaten to undermine indigenous resource management and livelihood systems. In addition to titling, indigenous groups require support to negotiate on equal terms with outside interests, diversify their livelihoods and act as responsible managers or co-managers of resources with high economic and environmental value. Not all indigenous peoples live in isolated communities and many face discrimination and difficulties in access in land through conventional channels and at the hands of land administrators.

The principles and practical mechanisms for securing access to land and its wider natural resources also apply to the broader range of rural people who frequently have diversified natural resource dependent livelihoods although they may not be classified as indigenous groups. For forest dwellers, fishing communities and pastoralists, secure resource access is fundamental to food security, and these are often amongst the poorest, most disadvantaged groups. These initiatives have also suffered from problems of elite capture and weak capacity of local management institutions in which women and poorer people may not be represented. Similar problems have arisen in pastoral land policy where group ranching schemes have benefited the better off, who continue to make use of unsecured communal grazing resources, as ranching schemes prove unsustainable in their own right. Sectoralised natural resource management policy and planning, while now making greater efforts to involve local communities, has also overestimated the extent to which they are dependent on specific resources, such as farmland, forests, or fisheries. More holistic approaches are required which grant secure property rights over designated areas, and which build people's capacity to plan and work to utilise the resource as they choose, subject to overall policy requirements for good management, equity and resource conservation<sup>17</sup>.

### **E. Livelihood Diversification, Migration and Land Access**

The growing significance of livelihood diversification, urbanization and migration challenges conventional approaches to rural development and accordingly the importance of land reform. Nevertheless, opportunities to access land and secure rights of tenure play a key role in the livelihood portfolios of poor in both rural and urban areas, even where agriculture is of declining importance. As diversification and urbanization proceed the good functioning

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<sup>17</sup>P. Shipton, The Kenyan land tenure reform: misunderstandings in the public creation of private property. pp 91-135 in: Downs, R E. & Reyna, S.P (eds). Land and society in contemporary Africa. University Press of New England, Hanover and London at <http://www.aren.org.af/publications/Land%20rights%20in%20Crisis.pdf> accessed on 14 August 2020.



and equitable governance of rental markets in both rural and urban areas becomes more and more important to enable people to access both shelter and livelihood opportunities.

A key observation is that land and natural resources access and livelihoods diversification should be looked at through the same lens: these are not separate issues, and policies e.g. on rural development, employment and migration should be inter-related and framed holistically. This observation points to the need to set issues of land access, land distribution and tenure security within a wider development context and develop frameworks to invest in both people and places through appropriate cross sectoral coordination and territorial approaches, which provide for a measure of participatory control on local development policy and priority setting according to people's interrelated needs. Changes in land use are presenting serious food security concerns. Transitions from domestic food crops to cash crops can provide more secure income in the short term but threaten access to food in times of hardship and present long-term uncertainty<sup>18</sup>. These transitions can exclude women from land access or reduce access to critical income for family welfare. Elite capture of benefits from emerging land markets, opportunities presented by investment and the breakdown in accountability of traditional authorities are resulting in the reinforcing of hierarchies and exclusion of citizens from land management; this is exacerbated and promoted through poor oversight and law enforcement in relation to large-scale acquisitions of land (either state-led or private) and poor access to justice.

Innovations at the grassroots level are helping to secure access to critical land and natural resources for some rural citizens. These include innovation in managing dwindling common property fishing resources, increasing levels of informal documentation of land rights, and experimentation with community dispute resolution and land management committees. These all aim to address inclusion in land governance, improve tenure security and access, and offer important lessons for initiatives at scale. More formal state or traditional authority-led developments include the granting of grazing lands to pastoralists, promotion of ADR, support to CLSs, and the review and consolidation of land laws to generate a comprehensive and coherent single Lands Act. These are all major steps forwards towards stronger land governance, including balancing the strengths of customary land administration with statutory measures of protection for the most vulnerable.

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<sup>18</sup> W. Alden, *Governance and land relations: a review of decentralisation of land administration and management in Africa*, London, International Institute of Environment and Development, 2004, P, 15.

## II. SUGGESTIONS

The concept of large scale acquisition in the upper sanaga division has increase with time due to the global demand for arable land for Investments. After a detail study large scale acquisition of land in the upper sanaga division by elites and multinational companies, We can say that large scale acquisition of land by investors affects the rural community. In other to bridge the negative effects of large scale land acquisition in the upper sanaga division by elites and multinational companies, the following recommendations would help to reduce the negative effects and ensure that large scale land acquisition for agricultural production, alleviates poverty and enhance economic growth and development in the local communities and in Cameroon in general.

To the government, in other to ensure that the objectives of the second generation agriculture and the mechanisation of agriculture to enhance economic growth and alleviate poverty in Cameroon, the government in signing land concessions for the acquisition of large tract land, there should be transparency in the negotiations. The local communities should be involve and informed in negotiations over land deals. This will help to protect their rights and interest when negotiating land deals with foreign investors. As a result, the activities will greatly enhance development in the grassroots and the nation in general which will help alleviate poverty. Also, the population should have access to information on land deals and on their activities lack of information about operations on large-scale land concessions makes it hard to monitor the extent to which the companies that run these projects fulfill their social, environmental and legal commitments. Communities seeking recourse for the decision of granting land concessions have to go through the administrative courts, but this can be a lengthy and expensive process although each region now has an administrative court thanks to the recent decentralization of the judicial system, access to justice is still physically and financially beyond the reach of most local people. Thus, transparency and access to information should be taken in to considerations when signing contracts on large scale allotments to investors.

Moreover, There should be a land law reform that protects the rights of the rural population by recognising and protecting customary land ownership when granting land concessions to foreign investors. Form the legislative stand point, provisions should be made to enable the rights to acquired large-scale concessions emanates from the customary land landowners rather than the state. This will reduce the conflicts that emanates between the investors and the local communities on land issues. Furthermore, the role of the consultative

board should be taken into consideration when negotiating land concessions to foreign investors. The traditional rulers, community representatives and the local administration are involved in the consultative board. Thus when signing land concession the state should take in to consideration their rule and involve them in the negotiations. This will reduced the negative effects of their activities and ensure a peaceful coexistence between the communities and the investors. Also, long lease of land by the government to foreign investors should be redefined. For example the Sino Cameroon Iko agriculture allocates 2000 hectares of land in Nanga Eboko and the SOSUCAM company with over 25000 hectares of land in mbanjock and Nkoteng to be cultivated for a period of 99years. These long term lease gives the investor the rights to be the custodian of land which is a resource to the disadvantage of the local communities. Even if this companies ensure transfer of technology and creates employment in to the rural population, the communities will faced the problem in future of having access to land to implement the skills transferred taking in to consideration demographic growth and the long lease sign to foreign investors.

Furthermore, the land Ordinance in Cameroon does not favours the youthful population, this is because the 1974 law is still applicable today which does not favour the youths to have land titles. Only people born before 1974 can have access to land titles while does born after 1974 can have access to land title only by inheritance. Thus, most of the youths have land covered by customary land ownership which is not protected by law. An inclusive land law reform is very necessary to protects the youths to have access to land ownership. Note should be taken that no matter the terms of the agreements, the principal objective of this multinational companies is to maximize profit. Thus, the government should protect the interest of the people by signing temporal or short term concessions so that population would have access to arable land in future to implement the skills and technology acquired. The social and the environmental impacts should be taken in to consideration when signing concessions. It is hard to assess the social commitments that these companies have made because it is extremely difficult to access the terms and conditions of their agreements and the contracts say little about this issue. Thus, there should be Careful environmental impact assessment and monitoring to ensure sound and sustainable agricultural production practices that guard against depletion of soils, loss of critical biodiversity, increased greenhouse gas emissions, or significant diversion of water from other human and environmental uses. Above all the state should ensure effective follow up of their activities to reduce the negative effects to the rural communities and enhance growth and development.

As concern the elites and large scale land acquisition, the law should limit the number of hectares of land an individual can purchase or acquire. This will help reduce the negative impacts of large scale land acquisition by elites in the rural areas. Most of the elites in the upper Sanaga division acquire this vast tracts of land for investment and for speculation of the future increase in the land value. These Elites therefore used all means to secure vast tracts of land in the rural area for speculative reasons. The landlaw reform should therefore address this issue by putting in place a limit on the number of hectares and individual can owned in other to bridge the negative effects of the elites large scale land acquisition in the rural communities.

The reform should make areas of land available to local communities and indigenous peoples, where their rights to resources could be equally spread, either by recognising private land for the benefit of the communities or by improving levels of security for the communities. The law should also increase land rights of local communities to be formally recognised through restitution or through a land reform that reconciles state laws and customary rights. Restitution consists of the act of returning to an owner something that was unfairly or involuntarily taken from them. The land that have been seized by the elites and the government to grant concessions to foreign companies should be restituted back to the rural communities. The constraints due to the overlap over time of various different laws over the same land and resources should be taken into consideration. Land reform should conform more to the requirements of the social context, which is characterised by a strong dependency of the communities in terms of land and resources. conserving the central role of the state in defining the management policy for land and resources, with due recognition of existing human rights, including indigenous peoples' rights to self-determination, to protect international engagements with the state, by finding a way of merging the new land law and the regulations for sustainable management of land and resources.

The registration process t should be simplified in other to ease the rural communities to register their land. Most of the land in the rural communities is classified under the national domain. This is mainly because of the lengthy and expensive land registration process in Cameroon to obtain a land certificate. As a result, most of the land in the rural areas is hold by the rural communities under customary land ownership that is recognized by the law but is not protected. This makes land in the rural communities open for foreign direct investment and for the elites acquisition especially in the upper Sanaga division.

Civil society organisations involved in monitoring large- scale land transactions should sensitize communities to their rights, Educate and raise the awareness of the rural communities on large scale land transactions and land governance. This will increase the knowledge of the local communities on land transaction. Also, CSOs should continue in their advocacy to protect and defense the interest of the local population on land issues and publish report on land issues to raise national concerns on large scale acquisition of land. The CSOs should continue to make proposals to the states on land issues. This will help ameliorate the negative effects of large scale land acquisition to the rural population.

To the local communities, the rural population should be sensitised to be aware of their land rights including customary and common property rights. The rural communities should insist on the respect of their rights when signing large-scale land concessions. Also, as concern compensation, to customary rights of land transferred to investors, it should be clear in the agreement and the time limit stated in the agreement and the rights of the local population on resource rights should be respected by the investors. The assessment of land for acquisition and investment purpose must proceed form the assumption that no land is idle or unused and that land is important to the livelihood and food security of rural communities and it's under some form of customary, collective or individual ownership. All land users should have a moral right of possession. This would ensure sustainability in decisions over land acquisition and investments and protect the rights of the local communities in granting land concessions.

The only means to reduce the negative effects on large scale land concessions and their activities is to respect the laws governing land in Cameroon and also ensure that the local communities benefit from their activities. This will enhance a peaceful coexistence between the companies and the rural communities and above all alleviate poverty and ensure economic growth and development. The Sino Cameroon Iko agriculture and large scale acquisition of land in Cameroon have affected the rural population. Large scale land concessions have been viewed by the government as a means to boost production, enhance economic growth and development. This to a greater extend have negatively impact the rural population. The concessions deprived the population from access to land which is a source of their livelihood. The agricultural venture in this locality has faced major challenges which have greatly affected their operations in this locality. As a result, the governments vision to alleviate poverty, promote second generation agriculture by promoting the mechanization of agriculture should not be vested on foreign direct investments in granting large tracts of

land for agriculture. Moreover, SOSSUCAM with the extension of arable land has generated conflicts with the local communities on access to land.

National and local entrepreneurship should be encouraged and promoted. This will enhance sustainable development rather than signing long lease contracts to foreign investors that are out to protect their interest and maximize profits. Also, large scale land acquisition in the rural communities by political elites in the upper Sanaga division have transform the rural population in to plantation labourers in elites farms. Most of the rural dwellers prefer to work on elites farms since most of the fertile and accessible land in the rural areas have been acquired by the elites. They prefer to be labourers on elites farm rather than developing their entrepreneur skills. Entrepreneurship should be encourage in other to ensure that the rural population have access to arable land and be local entrepreneurs rather than plantation labourers in elites farms and in multinational companies.

### **III. PERSPECTIVES**

Cameroon, like other sub-Saharan African countries, has witnessed a significant increase in large-scale agricultural investments. These investments come from both within and without, requiring thousands of hectares of land. Believers of LSLAs argue that these investments, particularly those coming from without, will serve as a catalyst of development as it brings in foreign capital that will put ‘unused land’ into production and modernise local agriculture, leading to high productivity and growth. Beyond the expected gains in the agricultural sector, LSLAs will transform local infrastructure, create off farm employments, and raise national revenue through taxes. Although these anticipated gains will benefit government and affected communities, the rural population are also seen as those likely to benefit both directly and indirectly from job creation, social amenities and food security. The acquisition of large-scale land for agro-investment in the global South is not a development initiative meant to benefit poor nations and their local population whose land is taken away by agro-companies. Rather, it is a capitalist profit motivated venture that has taken advantage of the weak legal frameworks and poor socio-economic conditions in affected countries to enter land deals skewed to favor these agro-companies. Under these circumstances, the process is rarely fair and inclusive, and is often a long way from the win-win situation. The exclusion of the affected population in the process of LSLA has dealt a serious blow on women’s rights to land, a major factor of production, thereby denying them

rights to development. They have lost not only access to farmland but also sources of income and livelihood<sup>19</sup>.

This study opens wide latitude to many research works that can be carried in Cameroon on Multinational Companies and large scale land acquisition. Other research works can focus on large scale land acquisition by non elites. It is not only MNCs and elites that are involved in large scale acquisition of land as non elites do acquire large tracts of land for investments. This has been peculiar in the upper Sanaga division where non elites of locality acquire large tracts of land for agricultural investments. Most of the non elites used their influential positions in the government to grab land from the local population. Large tracts of land have been acquired from the rural population that holds land under customary land ownership. Fear, ignorance of the land law and the absence of land title to show prove of land ownership gives an opportunity to national elites especially those working with the government and those occupying top ranking position in the government ,used their authority and power to grab land from the rural population. This situation is common in nearly all the regions in Cameroon.

Moreover, the activities of the Sino Cameroon Iko Company in Nanga Eboko sub division encourage other countries that have established diplomatic relations with Cameroon to seek for large tracts of land in the locality. The Koreans have also acquired large portions of land to boast rice cultivation in the locality they have recently opened a rice cultivation training center to train the local population on the cultivation of rice. Future research works can focus on their activities and a comparative analysis of the Koreans and Chinese rice production in the locality.

Equally, in the upper Sanaga division, SOSUCAM that covers Nkoteng and Mbanjock sub divisions have also acquire large tracts of land for the cultivation of sugar cane to be transformed to sugar in the factory located in Mbanjock. This open up a general trend on more companies both national and international to involve in large scale land acquisition in the future date as the trend is increasing. In additional, other research works can be carried on the consultation of women and the local population in Negotiating land concessions. Women and local populations are often left outside during the process. Large scale projects rarely include women in consultations and never presented official reports and documents for authorization. This holds true that women are the primary workers on the land that is to be

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<sup>19</sup> F. Lotsmart et al, Large Scale Land Acquisition and Its Implication for womens Rights in Cameroon, pp . 158-160.

leased out to companies for large scale investments. Meanwhile, pastoralists and internally displaced people are often times intentionally excluded from negotiations, as investors tried to delegitimize their claims on land. These lead to lack of awareness on the part of these vulnerable groups. This oversight in consultations further disenfranchises previously overlooked communities and worsens power inequities in local villages.

The concept of large scale acquisition of land is not only limited in the center region nor upper Sanaga division this issue is common in all the regions in Cameroon. However, in the south west region, the Herakles farm a United States of America Multinational Company has been involved in large scale land acquisition for the production of palm nuts. Cameroonian and international NGOs and scientists have also opposed the project citing illegality, a lack of respect for people's rights, damage to local livelihoods and environmental destruction. NGOs, the Centre for Environment and Development (CED) and Réseau de lutte contre la faim (RELUF) have laid out how the establishment convention violates both national and international laws. They have also shown that, although the agreement gives the company exclusive use of the land, the area includes zones that have already been officially designated for a mining exploration permit, a logging concession that is pending, and two small scale logging permits. Such an overlap in intended land usage could cause legal conflicts between Herakles Farms and other future permit holders. More importantly, they illustrate the confusion and damage unplanned land allocation is causing. Greenpeace supports the call for CED and RELUF for a moratorium on the granting of new concessions until Cameroon sets up comprehensive land use planning and clarifies the processes for land allocation. Future research works can focus on the environmental access impacts, the violation of national laws, the non-respect of contract term and rights of the local population in negotiating land concessions.

Greater monitoring of foreign companies to ensure compliance with development plans, particularly those agreed upon during negotiations. It would also require a diversification of the actors representing community needs during these negotiations. Greater financial autonomy for local level councils would also give them greater capacity to monitor these developments. Furthermore, more attempts should be made to understand and incorporate local farming practices that are at odds with state law into regulatory processes. In so doing, the legitimacy of the state in the eyes of the region's citizens will also be strengthened. On a national level, we recommend that vehicles for public debate and discussion over land deals be strengthened and promoted. This could be a potentially valuable issue around which civil society organizations with similar aims can coalesce and work towards a common agenda.



Moreover, we further believe that stricter enforcement of labour rights and a reduction in the amount of resources needed to acquire land in Cameroon will not only help improve land governance, but will also raise overall levels of livelihood and improve community, company and state relations.

The landreform legislation is expected to perform a land ownership audit by analysing title deeds for large surface areas over 10 hectares for rural areas, and over 3 for urban areas to check that they were compliant with the laws in force when they were issued Perform an audit of land concessions for agro-industry, to analyse their compliance with the relevant legislation. Create an inventory of all expropriation in the public interest where those affected did not receive compensation for all of their rights, and implement a payment schedule. Implement multi-stakeholder dialogue processes to manage spaces at a local level, to effectively manage space and resources, and to prevent conflict between different users (holders of granted rights and holders of land use rights). These processes could be built around communes, and would bring together traditional authorities, representatives of marginalised groups within communities, and the main investors using the land in the commune<sup>20</sup>. It is crucial to implement a more participatory discussion process for the current stages of the reform. The reform legislation will increase its legitimacy if consultations are held at all preparatory stages.

The Government could redefine the reform's objectives, by seeking greater alignment with its political commitments on natural resource management, reducing greenhouse gases, boosting food sovereignty and job creation. The need to recognise and protect community rights could also be reaffirmed, by taking a clear stance in favour of collective land tenure rights. Large-scale land allocations and the assignment of rights to land and resources should cease until mechanisms have been put in place to identify and protect communities' rights and ensure that there is some consistency in the allocation of commercial concessions in order to avoid overlapping rights. Continued land allocations will cause numerous conflicts in the future unless the regimes regulating land and resources are improved and enforced.

The reversal of the government policy and the slowdown in issuance of new concessions in the wake of the results of the second zoning exercise provide an opportunity to reflect on how the government's objective of agricultural development and employment creation best can be achieved. Alternative agricultural development strategies should be

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<sup>20</sup> Ibid, p.61.

explored, and there is a need, at the very least, to critically review the reasons behind the overall negative impact of large-scale land acquisitions, in order to implement effective and well-planned measures to ensure that the potential new large-scale investments bring benefits, and not harm, to the affected local communities as well as to Cameroon as a whole. Though contributing positively to the GDP, such investments have not brought the expected levels of rural development benefits through local spillover effects, rural employment opportunities or improved local food and nutrition security. Though there are examples of benefits from some projects, an increasing body of research indicates possible long-term and potentially irreversible negative consequences of recent investments, both in the form of environmental damage and displacements of local communities from their land. The promotion of large-scale land acquisitions is but one of many options for Cameroon and its true opportunity costs should be determined, in order to find the best suitable model to increase agricultural production and reduce poverty and food insecurity particularly in the rural areas.

Large-scale land acquisitions often create few linkages to the local economy, since they mainly produce for export and rely largely on imported inputs for production. As the agricultural sector moves from labour-intensive to capital-intensive mechanical farming, the need for unskilled labour decreases. Large-scale land investors tend to benefit from a range on incentives offered by the host states, including fiscal benefits, which reduces the tax revenues that result from such investments. Due to the low-skilled and predominantly rural character of the labor force, a strategy which prioritizes labor-intensive farming whilst simultaneously focuses on creating non-farm rural employment in the micro, small and medium enterprise sector, agro-business and other related industries is potentially more suitable to the national context.

Efforts to increase smallholder productivity and improve their market access are expected to improve agricultural production and rural incomes considerably<sup>21</sup>. Strengthening of farm associations and the organization of farmers in cooperatives may enable them to benefit from economies of scale in areas such as marketing and transport of the surplus to markets, as well as strengthening the farmers' bargaining power when negotiating the prices of inputs and outputs. Boosting smallholder farmers' income has

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<sup>21</sup>L.Cotula, Lorenz, Land Deals in Africa: What Is in the Contracts? London (UK): International Institute for Environment (IIED), 2011 Retrieved from <http://books.google.com/books?hl=en&lr=&id=CRX7vyKJpa4C&oi=fnd&pg=PA1&dq=Land+deals+in+Africa:+What+is+in+the+contracts?&ots=BMgsWTUQ4e&sig=NboILLTQdY1BDGyhICU01xiwww> P 48

the potential of creating more local linkages than large-scale modern farming. Increased purchasing power of farm households tends to result in increased trade at the local market and may lead to positive spillover effects for the local economy.

The assessment of land for acquisition and investment purposes must proceed from the assumption that no land is idle, wasteland, or unused, but that it is all used and is important to the livelihoods and food security of rural communities, and also that it is under some form of customary collective or individual ownership. All existing users of land must be regarded as having a moral right of possession, regardless of the formal legal status of their claims. Land acquisition, whether through purchase, lease, concession, or other form of rights transfer, is a necessary and legitimate component of an investment strategy, it must proceed on the basis of a rigorous application of the principles of Free, Prior, and Informed Consent of existing users and claimants. Large-scale land acquisitions should be an investment model of last resort<sup>22</sup>.

Making international human rights law work for the rural poor is very instrumental in large scale land acquisition. Secure local land rights are crucial for the enjoyment of internationally recognised human rights such as the right to food and the right to property. International law offers little redress to people adversely affected by large-scale land acquisitions. It is critical to build on work elaborating international guidance on specific human rights to strengthen the legal remedies provided by binding treaties. As the key actors in international law-making, states should ratify treaties setting human rights standards such as ILO Convention No. 169 and the protocol establishing the African Court on Human and Peoples' Rights and work to strengthen legal remedies<sup>23</sup>. Decision-making over land inclusive, transparent, and accountable is also very important. Without transparency, accountability, and open debate, decision-making over land will continue to be swayed by vested interests at the expense of rural land users. Likewise, without transparency, land acquirers cannot be held accountable to contractual obligations, national laws, or voluntary guidelines. There is therefore a need to call for and enable inclusive national and local debates on large-scale land acquisitions both in general and on specific applications and on wider issues, with a view to developing agreed national frameworks for land-based investments, food security, and rural development. Likewise, it is necessary to support the capacity for collective action and networking by local populations, in particular social

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<sup>22</sup> M. Taylor And L. Cotula, *Land Rights and the Rush for Land*, Rome, Aldo, international land coalition secretariat, 2012.

<sup>23</sup>W. Alden. "'The Law is to Blame' Taking a Hard Look at the Vulnerable Status of Customary Land Rights in Africa". *Development and Change* Volume 42 (3), May 2011..

movements representing direct stakeholders, including those representing farmers, women, landless people, and indigenous peoples; to fully disclose information on existing contracts and all acquisitions under consideration; and to support civil society monitoring of large-scale land acquisitions, as well as of the realisation of contractual obligations, so as to exercise accountability and provide an evidence basis for action.

## GENERAL CONCLUSION

This work on large scale land acquisition in the upper Sanaga division focused on its impacts to the rural population. The study investigates the impacts of large scale land acquisition by elites and multinational companies in the upper sanaga division. Land is a contentious space in Cameroon as the government, domestic elites, transnational agribusiness companies, and smallholder farmers have orientations towards the land that overlap, override, compete, and compliment. Large-scale land acquisitions have become the means to the government of Cameroon's end of developing the country through a broader agrarian transformative process, which echoes colonialism as land is created by seeing it as empty or in need of capitalist productivity, the creation of governable spaces, disavowal, and possession through dispossession all under the guise of benevolent development as companies and countries impacted by the 2008 food crisis seek to secure land for their food security through North-South economic flows<sup>24</sup>.

Large scale land acquisition has evolved over time from the colonial to post-colonial era with different characteristics an implication to the rural population. The evolution of the land tenure laws in Cameroon have been shaped by the different colonial powers that ruled Cameroon. The Cameroonian land tenure system and laws evolved as Cameroon moved from a purely traditional society, to an independent modern state, passing through the colonial periods of the German, British and French. Before colonization, land was regarded by the indigenes as an element of nature, just like water air and fire, incapable of ownership since in African jurisprudence, ownership is exercisable over objects made by man<sup>25</sup>. To the native, land was not only a deity, but an identity and an ancestral gift to the community as a whole. That is why individual ownership of land is foreign. This land which was acquired through conquest or first settlement belonged to a community as a village or a family just like a corporate entity.

During the German rule in Cameroon, they pursued a policy of land appropriation from the natives for little or no consideration for their use for plantation agriculture. Subsequently, the German Imperial Government enacted the German crownland Act of 15 July 1896 which provided that all lands which were not effectively occupied by the natives were herrenloss land (terra nullius) and so assimilated as part of German overseas

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<sup>24</sup> S. Smith, *Man and Land : Competing Ontologies, Colonial Legacies and the Quest for Food Sovereignty*, 2017, at <http://digitalcollections.sit.edu/isp-collection/2679>, accessed on 17 June 2019, P. 38.

<sup>25</sup>L. Forjong et al, *Large Scale Land Acquisition and its Implication to Womens Land Rights in Cameroon*, Canada International Development Research Center, , 2017, P54.

dominions and therefore the property of the German Imperial Government. By this Act, the Germans neglected the fact that although the natives were not effectively using the land by their definition, at no time were such lands not claimed by them. Effective occupation ignored land on fallow a scenario common to shifting cultivation which was a normal practice, hunting ground, and land for harvesting non forest timber products or community reserves<sup>26</sup>. The natives did not effectively occupy any significant quantity of land at the time; as a result, most native land became the property of the German imperialists except land effectively occupied by the chiefs or those which the Germans had given as freehold interests. To legalize their hold on the land, the Germans went further to introduce a land register (Grundbuch) for land registration against a fee; an act that guaranteed land titles for German companies and individuals who had bought appropriated land.

After World War I, Cameroon was partitioned between the British and French and ruled as mandated territories of the League of Nations and subsequently as Trust territories of the United Nations after WWII. In the British Cameroons, the lands were placed under the control of the governor and the natives were given only rights of occupancy over native lands. The Mandate Agreement in Art 9 gave powers to Britain to administer British Cameroons as an integral part of Nigeria but taking into consideration native laws and customs and safeguard the interests of the indigenes. No native land was to be transferred except between natives and with the consent of the competent authority as required by Art 8. Section 3 of the British Cameroons Administration (Amendment) Ordinance No. 1927, the principal land tenure law at the time provided that all lands except the estates registered and recognized by the British were native lands put under the control of the Prime Minister (PM) who shall hold and administer the land for the natives. No use of native land was valid without the PM's consent.

Ordinance No. 1927 thus converted indigenes' rights of ownership over ancestral land into customary rights of occupancy with mere use and occupation as per Art. 2. Non-natives which had acquired land in disrespect of the 1927 Ordinance and Mandate Agreement were given certificates of occupancy over the lands they acquired illegally. Even though this document was a lease of 99 years during which the holder paid rents to the government, it was regarded by economic operators as documents of title. The story was not very different in French Cameroun from 1914-1960. French colonial administration issued in 1932 a Décret giving large land concessions to industrialists who needed land for a particular purpose and a

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<sup>26</sup>Ibid, Pp.55-56.

right to register such with the authorisation of the district land board (the forerunner of today's Land Consultative Board). They also issued another Decree on 12th January 1938 converting all native lands as *terre vacante et sans maître appartenant au territoire*<sup>27</sup>.

At independence, three land tenure laws tailored after the German Kronland Act of 1896 and French 1921 Land tenure laws, (Ordinance No. 74-1 of 6th July 1974, Ordinance No. 74-2 of 6th July 1974<sup>28</sup>, supplemented in 1976 with three decrees of application were passed. They form the basic laws on land tenure in Cameroon. Cameroon Land Ordinances recognise three different types of land which are regulated differently. These are national, state and private domains. Customary communities however classify land differently, regrouping it mostly into village and family land. Whatever the case, and by law, all Cameroonian customary communities living on national land, no matter how long they have lived on and exploited the land without formal titles, have no secured tenure<sup>29</sup>. They are vulnerable to both internal and external dynamics of LSLAs. When these users are evicted or displaced, they can only be compensated for the developments on the land and not for the land itself. Long use, does not attribute ownership to users and in Cameroon the rights of these users over such land lapsed 10 or 15 years after 1974 land laws were passed (section 14 (3) Ordinance No. 74-1/74) and so they are now tenants at sufferance<sup>30</sup>. Most lands in Cameroon are untitled land held under customary tenure and controlled by traditional authorities. It is this land that has been converted into national land by sections 14 and 15 of Ordinance No. 74-1 of 6th July 1974 and placed under the control of the Land Consultative Boards (LCB) at each sub-division<sup>31</sup>. The liberalization period falls within the period after independence. Its uniqueness stemmed from the fact that it is driven by economic liberation that opens the country to many foreign investors beyond those from its former colonial powers of Germany, Britain and France. New investors from the United States, China and other Asian countries emerged in plantation agriculture. This avalanche of

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<sup>27</sup>Ibid ; P .57.

<sup>28</sup> Decree No. 76/165 of 27th April 1976 to establish conditions for obtaining land certificates as amended by Decree No. 2005/048 of 18th December 2005; Decree No. 76/166 of 27th April 1976 to establish the terms and conditions of management of national lands and Decree No. 76/167 of 27th April 1976 to establish conditions of management of private property of the State

<sup>29</sup> All lands not held under private land title and that is not national land. This is divided into private real property of the State (see sections 10 and 11 of Ordinance No. 74- 2/74) and all public property of the State which are property which by nature or intended purpose is set apart either for the direct use of the public or private services. This can be natural (section 3 Ord. No 74-2/74) or artificial (sections 4 and 5 Ord. No. 74-2/74).

<sup>30</sup> All private titled land; that is land with land certificates which are equivalent to freehold lands. (see section 2 of Ord. No.74-1/74)

<sup>31</sup>See Section 16 Ordinance No. 74-1/74 and sections 12 and 13 Decree no. 76/166/76).

capitalist interests can also be attributed to major global developments such as globalization, climate change and clean energy, and economic and global food crises, particularly in poor countries. The characteristic of this period is that it raised competition for land more than ever before, with obvious consequences on rural community security on the land. This ordinance opened land in the upper Sanaga division for large scale land concessions and land acquisition by elites in the region that have greatly impacted the life of the rural communities .

The economic crisis in the 1980s led to a fall in Gross Domestic Products, low standards of living and decline in economic growth and development. In order to come out of this situation, the government of Cameroon engaged in borrowing from the international financial institutions like the World Bank and the International Monetary Fund. As a result, these institutions gave conditions to be fulfilled before they could give out loans to the governments. These conditions were called the Structural Adjustment Program. One of the conditions was the privatization of state cooperation as a measure for the Britton Wood Institutions to grant loans.

The government of Cameroon opened doors for the privatization of state enterprises which were sold mostly to foreigners. Also, the liberalization of the economy saw the influx of multinational companies in Cameroon with the hope to enhance economic growth and alleviate poverty in Cameroon in order to boost the economy from the slumber. These hopes became a myth as many multinational companies were out for profit maximization. The investment codes developed after independence and reunification to guide FDIs in Cameroon were designed focused with the economic situation of Cameroon. The food crisis or food insecurity in the 2000s led to the 2002 investment code which opened room for land concessions for agricultural investments as a means to solve food crisis and alleviate poverty especially in the rural communities. This has remained a national concern as the rural communities and the populations at large still live in abject poverty. The state in order to encourage FDIs allocates portions of the national land to multinational companies for investments<sup>32</sup>. The Cameroon government in her measures to enhance economic growth and development signed agreements to grant land concessions to foreign investors to participate in the economic growth and development of the country. As a result, the government grants portions of the national land to foreign investors which deprived the local communities from

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<sup>32</sup> N. Kamegu "Investment Codes as instruments of Economic Policy": A Cameroon case study" (1991) 25 *Law Journal Library* p.858.



access to national land which is the main source of their livelihood as a majority of the rural population depends on arable land for agricultural production. Thus, when foreign investor or multinational companies signed concessions with the state they acquire large tracts of land in the rural communities since most of the land classified under the national domain is mostly found in the rural communities that is land without land titles. This concession in allocating large tracts of land to foreign investors negatively affects the rural population.

This study identifies the various actors in Cameroon involve in large scale land acquisitions with different interests. The Main actors in Cameroon include investors, government and individuals (chiefs, elites and land speculators). The key actors identified by the population during the study in the upper Sanaga division were the elites and multinational companies . As a results this work targeted the impacts of large scale land acquisition by multinational companies and elites to the rural communities. We focus on two main multinational companies the Sino Cameroon Iko Agriculture and SOSUCAM that have acquired vast hectares of land in the for agricultural investments<sup>33</sup>. We also examine elites in the division that have also been involved in large scale land acquisition for various reasons. Moreover, the government signed different types of land lease that last for a period of time that is short term concessions for a period of 2 to 5 years, standard concessions for a period of 5 to 18 years and long-term concessions for a period of 18 to 99years. This long concession that last for a period of 99 years greatly affects the rural communities as the future generation is deprive from access to land.

Demographic factors should be taken into consideration when granting long term land concessions to foreign investors for Foreign Direct Investments in Cameroon. The government of Cameroon in other to achieve her objectives stated in the Growth and Employment Strategy Pepar and in the Vision 2035 signed land concession to allocate large allotments of national land to foreign investors for agricultural production and to enhance the promotion of second generation agriculture based on the mechanization of agriculture to boast agricultural production in Cameroon. This was meant to alleviate poverty and enhance economic growth and development in the rural communities and Cameroon in general.

As a result, Cameroon in 2006, signed the Sino- Cameroon Iko agricultural agreement with the Chinese government for the Chinese Iko company to boast agriculture in the localitiesof Nanga Eboko. This agreement granted 10000 hectares of land to the company for

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<sup>33</sup> L. Jaff, *Multinational Companies and Large Scale Acquisition of Land in Cameroon: case of the Iko company in Nanga Eboko ,1971-2006*, Masters Dissertetion, university of Yaounde 1, 2018,p,119.

a period of 99 years. In the locality of Nanga Eboko, the Sino – Cameroon Iko agriculture since 2006 is still in its experimental stage. The main crops under experimentation are cassava, maize and rice in the 120 hectares of land out of the 10000 hectares of land granted to the company in the locality. The other lands have been acquired but they have not been put in to utilization. The company also constructed an agricultural training center in Nanga Eboko to ensure technological transfer to the rural population in other boost agricultural production and ensure the mechanization of agriculture in the local communities.

SOSUCAM signed land concessions with the Cameroon government to acquire large tracts of land in the upper Sanaga Division for Agro-industrial investment and to boost the cultivation of sugarcane and the production of sugar to meet the economic demand in Cameroon. In 2006, the government signed the “bail emphytéotique” and added the land for the cultivation of sugarcane. This land was made up of forest that was not put in to value as the government claims but the rural communities use this forest Hunting , gathering of fruits and medicinal plant which is a source of livelihood to most of the rural communities.

Elites are also main actors of large scale land acquisition in the upper Sanaga division. The global food crisis and the need of land for investments and other uses have greatly increase the demand for land by the elites in the upper sanaga division which have greatly impacted the rural communities that depends on land for their livelihood. Most of the population in the rural areas has been transform to plantation labourers on elites farm rather than being local entrepreneurs. Elites are also pushed by speculative reasons to acquire large tract of land in the rural communities. To legalize their illegitimate actions, they at times forged through poorly-framed MoUs signed by chiefs who were coerced, cajoled or outright bribed. This explains why activities of these self-serving elites are resisted by the population in the upper Sanaga division. The rural communiites have questioned the legitimacy of these elites in representing popular interests in some of the MoUs. Field investigations reveal that elites in the upper Sanaga division acquire vast tracts of land mostly their selfish interests. They are intimidated, coerced, lobbied or bribed, influence chiefs and used their political power to acquire vast tracts of land for investments. The lack of clear mechanisms to protect communities’ rights has left local people facing the loss of their land and resources. Freezing rights to large tracts of land for very long periods also runs counter to the dynamic driving the growing number of land and resource management initiatives in Central Africa. It might be advisable for the state to stop making land allocations until it has put in place an effective, inclusive and transparent system that ensures that the rights of all actors – including the

weakest (local and indigenous communities) – are identified and protected before any rights are assigned to investors. This is a perfect opportunity for the ongoing land reform in Cameroon to start addressing this crucial issue.

Large scale land acquisition have greatly affected the local communities that depend on land for their livelihood. Most of the acquired land is vacant depriving the rural population from having access to land for agriculture which is a source of their livelihood. Also, most of the lands are still vacant and have not been compensated. To the government, fast-evolving context creates opportunities, challenges and risks. Increased investment may bring macro-level benefits (GDP growth and government revenues), and create opportunities for raising local living standards. For poorer countries with relatively abundant land, incoming investors may bring capital, technology, know-how and market access, and may play an important role in catalysing economic development in rural areas.

On the other hand, large-scale land acquisitions can result in local people losing access to the resources on which they depend for their food security and livelihoods. Local residents may be directly dispossessed of the land they live on, often their long-standing heritage. More indirect impacts may also be of major significance, though these are often more difficult to measure. They include loss of seasonal resource access for non-resident groups such as transhumant pastoralists, or shifts of power from women to men as land gains in commercial value. It is not only the land acquired that is affected. Knock-on effects are possible in other parts of the country or in the region, as local users pushed from higher-value lands encroach upon more marginal lands and as poorer people are priced out of the land market. Impacts may also be multiplied where land acquisitions are accompanied by accelerated policy reform to attract investment<sup>34</sup>. Large scale land acquisitions have raised concerns of Civil Society organizations to defend the interest of the rural communities.

Their research and publications have raised national concerns large scale acquisition of land in Cameroon. As a result, the government in order to achieve her objectives should not see Foreign Direct Investment as a means to achieve her objective. Local entrepreneurship should be encouraged in local communities. As concern large-scale land acquisition, the access to information by the local communities is very important and the rights of the rural communities should be protected when signing land concessions with foreign investors. Also, the rural communities should be involved in negotiations in granting land contracts and

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<sup>34</sup> Anseeuw Ward, The Rush for Land in Africa: Resource Grabbing or Green Revolution?, *South African Journal of International Affairs*, 2013, 159–177.

customary land ownership recognized in the land law. More so, long term lease should be redefined and above all, a land law reform which takes in to cognizance the interest of the rural population in other to reduce the negative effects of large scale land concession faced by the rural community where they mostly operates. Demand for land concessions for large-scale agribusiness plantations has also grown, even if implementation lags behind the number of concluded deals and deal-making appears to have now slowed. the size of land concessions granted since just 2008 is equal to around half the size of the total allocated land concessions in the history of Cameroon. Other forms of land-based investments include large infrastructure projects, the creation or more efficient management of protected areas, environmental offsets and proposed ‘carbon concessions’.

The Cameroon’s legislation on land and natural resources is fragmented and affected by inconsistencies: natural resources laws contain provisions relevant to land management that may not fully align with the relevant provisions of land legislation. The major challenge faced by Cameroon is to ensure appropriate governance of land and natural resources, all shared by a diversity of actors under rules that are sometimes outdated. Cameroon undergoing legal reform in the main natural resource sectors (forestry, mining, land). This process provides a unique opportunity to increase coherence and complementarity among sectoral laws, and increased overall effectiveness in land and resource governance<sup>35</sup>. The choice made by the Government of Cameroon to formally request inputs from stakeholders for the land law reform provides an opportunity for civil society and local communities to submit suggestions to the Ministry of Lands. The LandCam project piloting approaches to secure rights to land and natural resources in selected sites and supporting inclusive national level debate about workable reforms of the relevant laws. The LandCam project works with key stakeholders across Cameroon to negotiate rights to land and natural resources through demonstrable good governance and workable reforms of the relevant laws, create new spaces for more informed, effective and inclusive dialogue and analysis, engaging the public and media, as well as civil society platforms and monitor changes on the ground, track legal reforms, and share lessons nationally and internationally. LandCam focused its efforts at the grassroots level. Working directly with local civil society organisations and community groups. The major civil society organization involved in this project are the International Institute for Environment and development, the Center for Environment and Development

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<sup>35</sup> CED, RELUFA ,IIED , Tracking changes in land governance to inform law reform in Cameroon : Methodology note,2020,p. 3.

and the Network for the Fight Against Hunger in Cameroon. Also, the National engagement strategy has raised awareness of the on large scale land acquisition in Cameroon.

Land is a multi-faceted resource that is vital to local people's survival, but also the basis for diverse investments; it is a commercial resource that can be privately appropriated, but also a public good and common asset; and it is an inalienable ancestral heritage that is handed down from previous to future generations, which also supports agricultural production. Because of its central role in local and national development strategies and the close attachment that communities feel to their living space, it is essential that land is managed prudently in order to avoid the risk of conflict over its use. Land allocations for large-scale agricultural investments in Cameroon involve long-term transfers of rights and the conversion of natural spaces to monocultures<sup>36</sup>.

This has an impact on local people's food security, and therefore requires a specific precautionary approach that works in the interests of communities, investors and the state guaranteeing public peace for the leading stakeholder in development in order to ensure that the different activities can co-exist harmoniously. The lack of clear mechanisms to protect communities' rights has left local people facing the loss of their land and resources. Freezing rights to large tracts of land for very long periods also runs counter to the dynamic driving the growing number of land and resource management initiatives in Central Africa. It might be advisable for the state to stop making land allocations until it has put in place an effective, inclusive and transparent system that ensures that the rights of all actors including the weakest local and indigenous communities are identified and protected before any rights are assigned to investors<sup>37</sup>.

This is a perfect opportunity for the ongoing land reform in Cameroon to start addressing this crucial issue. Land scarcity, due to demographic growth and the multiplicity of non-traditional uses of the land, serves to highlight the precarious nature of the rights of local and indigenous communities over the land and its resources. The rising levels of poverty amongst local communities and indigenous peoples, which can be explained, at least in part, by the weakness of their land security, is a call for designing a new and more legitimate land law, more in line with government priorities of reducing poverty<sup>38</sup>.The

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<sup>36</sup> L. Cotula, *Land Deals in Africa: What is in the Contract?* IIED, London, 2011, P. 10.

<sup>37</sup> Samuel Nguiffo, *Agro-Industrial Investments in Cameroon : Large Scale Land Acquisition Since 2005*, IIED, London, 2015, p.56.

<sup>38</sup> Indigenous communities refer to groups complying with the four criteria set by the UN Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities in 1982. The criteria are: (1) the

stability and prosperity of political societies depend on how well land issues are regulated. Large scale land acquisition should therefore take into account the rights of local communities and indigenous peoples, without denying to the state the right to define and implement a coherent land policy, with due respect to human rights, and manage the land's natural resources.

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occupation and use of a specific territory; (2) the voluntary perpetuation of the cultural distinctiveness; (3) self-identification, as well as recognition by other groups, as a distinct collectivity; (4) an experience of subjugation, marginalization, dispossession, exclusion or discrimination. See African Commission on Human and People's Rights (ACHPR) and IWGIA, Report of the African Commission's Working Group of Experts on Indigenous Populations/Communities, 2005. pp. 86-104.

## APPENDIXES

## APPENDIX 1

MINISTÈRE DE LA JUSTICE

REPUBLIC OF CAMEROON

Fédération démocratique

DELEGATION REGIONALE DE  
L'ADMINISTRATION PENITENTIAIRE  
DU CENTREPRISON PRINCIPALE DE NANGA-EBOKO  
BUREAU DES AFFAIRES ADMINISTRATIVES  
DU PERSONNEL ET DU GREFFEN° 97 /BLE/REG/BA/PG/PP/NE/2011

## BULLETIN DE LEVEE D'ECROU

LE REGISSEUR DE LA PRISON PRINCIPALE DE NANGA-EBOKO SOUSSIGNE

Atteste que le nommé F A N E M B O L O J O S E P H  
 Agé(e) de 50 ans, comme né(e) le 09 MARS 1961 à NKOT-NAN NANGA-EBOKO  
 Fils de EMBULO OKALA et de NGONO FARGA  
 De nationalité CAMEROUNAISE profession PREDICATEUR LAIC  
 Forcé(e) le 23 JUIN 2011 S/N° 052/PH/2011/PP/NE/BAAPG  
 Pour REBELLION, ENTRAVE A UNE VOIE PUBLIQUE ET ABATAGE ILLÉGAL D'ORDRE  
 // // // //  
 Traduit(e) devant le(s) tribunal (aux) CORRECTIONNEL du 26/09/2011  
 Décision(s) rendue(s) MIS EN LIBERTE  
 // // // //  
 Remise des peines NEANT  
 // // // //  
 Est libéré(e) ce jour 26 SEPTEMBRE 2011 SUITE A L'ORDRE DE MISE EN LIBERTE DU  
26 SEPTEMBRE 2011.

L'intéressé déclare vouloir se retirer à NKOT-NAN

En foi de quoi le présent bulletin lui est établi et délivré pour servir et valoir ce que de droit. /-

NANGA-EBOKO, LE 26/09/2011  
LE REGISSEUR DE LA PRISON

*Kaldoussa Ndohouny*  
Administrateur des prisons

APPENDIX 2

REGION DU CENTRE

REPUBLIQUE DU CAMEROUN  
Paix - Travail - patrie

DEPARTEMENT DE LA HAUTE-SANAGA

ARRONDISSEMENT DE NANGA-EBOKO

ATTESTATION D'ABANDON DES DROITS COUTUMIERS

Nous soussignés NANGA BESSALA Wolfgang, Chef de Groupement de Nguinda,  
CNI n° 112384862 du 29.07.2011

NANGA NANGA Pierre, Chef de village Nguinda, CNI n° 112384987

AKONO NDOUMA, Chef de village, AKAK  
CNI n° 110285505 du 13/06/2011

ETOA AKONO Protais, notable Yekaba  
CNI n° 1091402703 du 21.08.2009

EPAGA Valère, CNI n° \_\_\_\_\_  
avons décidé au nom de la communauté Yekaba d'abandonner nos droits coutumiers sur  
une parcelle de terrain de 10 ha sis à Walla au profit de Madame MEVA'A Christine, CNI  
n° \_\_\_\_\_

La présente attestation d'abandon de nos droits coutumiers est une donation au profit  
de l'intéressé.

Fait de bonne foi  
Nanga-Eboko, le 16 juillet 2018.

Visa des donateurs

NANGA BESSALA Wolfgang

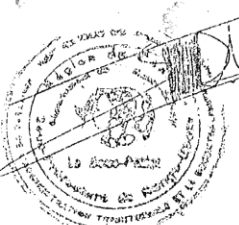
NANGA NANGA Pierre

AKONO NDOUMA

ETOA AKONO Protais



Visa du Sous-Préfet, 24 JUL 2018



Poigni Mghatané Olivier  
Administrateur du Travail  
et de la Prévoyance Sociale



APPENDIX 3

MINISTÈRE DES DOMAINES ET DES AFFAIRES FONCIÈRES  
 DÉLÉGATION DÉPARTEMENTALE DE LA HAUTE-SANAGA  
 SERVICE DÉPARTEMENTAL DU CADASTRE

RÉPUBLIQUE DU CAMEROUN  
 PARTI UNIÉ, PATRIE  
**NANGA EBOKO**  
 T.F. N° .....

DÉPARTEMENT DE LA HAUTE-SANAGA  
 ARRONDISSEMENT DE NANGA EBOKO  
 LIEUX-DIT : ANAN

LE CHEF DU SERVICE DÉPARTEMENTAL  
 DU CADASTRE DE LA HAUTE-SANAGA  
*Louf*  
 Nana Mvege  
 13 JUIN 2011  
 Directeur Adjoint  
 du Cadastre

Plan de Situation au 1/200.000e

Plan de délimitation d'une dépendance du domaine national  
 établi le 06/06/2011 suivant D.U.P N°...../.....  
 du / /20 en vue de son incorporation dans le  
 domaine privé de l'Etat au profit de :

**MINISTÈRE DE L'AGRICULTURE ET DU  
 DEVELOPPEMENT RURAL**

S=1015 ha 11 a 93 ca

LEVÉ ET ÉCRIS PAR LA BRIGADE DES TRAVAUX  
 SPÉCIAUX DE LA DIRECTION DU CADASTRE  
 DU BORD D'AL BOSSOUHO NANGA EBOKO  
 CONSULTÉ PAR LE CADASTRE

ÉCHELLE: 1/5000  
 DÉSIGNÉ PAR LE CADASTRE  
 PROJETÉ PAR LE CADASTRE  
 RETRACÉ PAR LE CADASTRE

## APPENDIX 4

COUR D'APPEL DU CENTRE  
SECTION CORRECTIONNELLE

ANNEE JUDICIAIRE : 2017

ARRET N° 725/COR  
DU 22 DECEMBRE 2017

CONTRADICTOIRE  
DEFAUT

AFFAIRE :

FA'A EMOLO Joseph

Ministère Public

CI

ZE EVINA Pierre Célestin

NATURE DU DELIT

*Rébellion, entrave à une voie publique,  
abattage illégale d'arbre*

DECISION DE LA COUR :

(Voir dispositif)



REPUBLIQUE DU CAMEROUN

Paix – Travail – Patrie

311.765. /AVA /PGY

AUDIENCE PUBLIQUE ORDINAIRE DU  
22 DECEMBRE 2017

---La Cour d'Appel du Centre, statuant en matière correctionnelle conformément à la loi n° 2006/015 du 29 Décembre 2006 portant organisation judiciaire, en son audience publique ordinaire tenue au palais de justice de Yaoundé dans la salle des audiences le VINGT DEUX DECEMBRE DEUX MILLE DIX SEPT et en laquelle siégeaient :

---M. TAFEU SIMON, Vice-président de la Cour d'Appel du Centre à Yaoundé.....PRESIDENT ;

---M. NGASSAM Jean, Vice- Président de la Cour d'Appel du Centre à Yaoundé.....MEMBRE ;

---M. MANGA FOE Charles Rémy, Vice - Président de la Cour d'Appel du Centre à Yaoundé.....MEMBRE ;

---En présence de M. TANKOUA, Avocat Général près ladite Cour, occupant le banc du Ministère Public ;

---Assistés de Maître MAIMOUNATOU ..... Greffier ;

A RENDU L'ARRET SUIVANT

ENTRE

---FA'A EMOLO Joseph, né le 08 Mars 1961 à Nanga Eboko, dils de feu EMOLO OKALA et de FANGA, cultivateur, demeurant à

1<sup>er</sup> rôle

coupable du délit de rébellion prévu et réprimé par les articles 74 et 157 alinéa 1 (b) du Code pénal ;

---Le condamne à un d'emprisonnement ferme ;  
---Dit qu'il sera sursis à l'exécution de la susdite peine d'emprisonnement pendant un délai de 03 ans ;

---Le Condamne en outre aux dépens liquidés à 95.849.25 francs ;

---Dit que faute de paiement de la somme susvisée, le prévenu y sera contraint par corps pour une durée de 06 mois ;

---Décerne à cet effet contre lui à l'audience mandat d'incarcération ;

---Avisé les prévenus du délai d'appel qui est de dix jours à compter du lendemain du prononcé du présent jugement ;

\_\_\_Enregistré à NANGA EBOKO le 21 Novembre 2013\_\_\_ Vol 04\_\_\_folio 65\_\_\_case/BD 674 ;

---Par déclaration d'appel du 21 Février 2012, FA'A EMBOLO Joseph a' interjeté appel du jugement susvisé rendu dans l'affaire qui l'oppose à ZE EVINA Pierre Célestin, lequel a déclaré coupable de faits de rébellion, entrave à une voie publique, abattage illégale d'arbre ;

---En conséquence de cet appel et à la requête du Procureur Général près la Cour d'Appel du Centre à Yaoundé, les parties ont été citées d'avoir à comparaître par devant la chambre correctionnelle de ladite Cour en l'audience du 24 Octobre 2014 ;



2<sup>ème</sup> rôle

---La cause, sur ces notifications, régulièrement inscrite au rôle de la Cour à l'audience sus indiquée, fût appelée à son tour et retenue à celle du 22 Septembre 2017 ;

---Le président a fait le rapport de l'affaire ;

---Le Ministère Public a pris ses réquisitions orales;

---Sur quoi, la Cour a mis l'affaire en délibéré pour arrêt être rendu à l'audience du 22/12/2017 ;

---Advenue cette audience, la Cour, vidant son délibéré a, par l'organe de son président, rendu l'arrêt dont la teneur suit :

#### LA COUR

---Vu les lois et règlements en vigueur ;

---Vu le jugement n°25/COR rendu le 13 Février 2012 par le Tribunal de Première Instance de Nanga Eboko ;

---Vu l'appel interjeté contre ledit jugement le 21 Février 2012 par le Procureur de la République près les Tribunaux de Nanga Eboko ;

---Vu l'appel interjeté le 21 Février 2012 par FA'A EMBOLO Joseph ;

---Vu les pièces du dossier de la procédure ;

---Après en avoir délibéré conformément à la loi ;

#### EN LA FORME

---Considérant que les appels interjetés contre le jugement susvisé sont réguliers comme faits dans les forme et délai prescrits par la loi ;

---Qu'il échet de les déclarer recevables ;

---Considérant que citées, toutes les parties ont comparu à l'exception de ZE EVINA Pierre Célestin, qu'il convient de statuer par défaut à

l'encontre de ce dernier et contradictoirement à l'égard des autres ;

#### AU FOND

---Considérant que les arguments de FA'A EMBOLO Joseph sont pertinents ;

---Que les débats ont établi qu'à la première sommation des autorités, ce dernier a quitté les lieux querellés ;

---Qu'il ne s'est jamais opposé à la descente desdites autorités sur le site litigieux ;

---Que dès lors, le délit de rébellion n'est pas caractérisé à son encontre ;

---Qu'il échet d'infirmer le jugement attaqué sur ce point, et de le relaxer de ce chef ;

---Considérant davantage que FA'A EMBOLO Joseph n'a non plus entravé la voie publique, ayant obtempéré à la sommation des autorités, la laissant ainsi accessible au public ;

---Qu'il convient de dire l'appel du Ministère Public non fondé ;

---Considérant qu'il y a lieu de confirmer pour le surplus ;

---Considérant que les dépens sont à la charge du Trésor Public ;

**PAR CES MOTIFS**

---Statuant publiquement, par défaut contre ZE EVINA Pierre Célestin et contradictoirement à l'égard des autres parties en chambre correctionnelle, en appel, en formation collégiale et à l'unanimité des voix ;

**EN LA FORME**

---Reçoit les appels interjetés ;

**AU FOND**

---Infirme partiellement le jugement entrepris en ce qu'il a déclaré FA'A EMBOLO Joseph coupable de rébellion ;

*Statuant à nouveau sur ce seul point*

3<sup>ème</sup> rôle



---Le déclare non coupable de ce chef ;  
 ---L'en relaxe pour faits non établis ;  
 ---Confirme pour le surplus ;  
 ---Met les dépens à la charge du Trésor Public ;  
 ---Avisé les parties du délai légal des voies de recours ;  
 ---Ainsi fait, jugé et prononcé en audience publique les mêmes jour, mois et an que dessus ;  
 ---Et signent sur la minute du présent arrêt le Président, les membres et le greffier, approuvant \_\_\_\_\_ lignes, \_\_\_\_\_ mots rayés nuls, ainsi que \_\_\_\_\_ renvois en marge bons./-

Suivent les Signatures

Ensuite se trouve la mention d'enregistrement dont la Teneur Suit Enregistré à Yaoundé (Actes Judiciaires)

Le 09 mai 2018  
 Vol 24 10 103 CASE/BD 3033/04  
 Debet: [Signature]  
 Reçu: [Signature]

Le Receveur de l'Enregistrement  
Signé Illisible

Pour Expédition, Certifiée Conforme  
 délivrée par nous Greffier en Chef  
 Sousigné./  
 Yaoundé le 17 1 SEPT 2018



[Signature]  
**Mme NJOUM ELISEE**  
 Administrateur Principal des Greffes

APPENDIX 5

REGION DU CENTRE P.C. retenu de  
 DEPARTEMENT DE LA HAUTE-SANAGA 09.08.2011.  
 ARRONDISSEMENT DE NANGA-EBOKO  
 SOUS-PREFECTURE

Peace - Work - Fatherly  
 CENTER REGION  
 UPPER SANAGA DIVISION  
 NANGA-EBOKO SUBDIVISION  
 SUBDIVISIONAL OFFICE

PARQUET INSPECTEUR  
 ARRIVEE LE 13 JUIN 2011  
 SOUS-LEVE  
 1027

EIDA  
 FD/ITC/MDP  
 - Rebellion  
 - APPORT SUR L'AFFAIRE FA'A JEMBOLO  
 - Enchère à usage public  
 - Abattage illégale d'arbres

Le 23 Mai 2011 aux environs de 18 heures et 30 minutes, j'ai reçu à mon bureau une équipe de La Brigade des Travaux Spéciaux de La Direction du Cadastre au Ministère des Domaines et des Affaires Foncières, en mission officielle à NANGA-EBOKO sous la conduite d'un cadre nommé M. EBY. arts 43 et 155 loi n° 94/01 du 20 janvier 1994.

La raison de leur venu à la Sous-Prefecture est qu'au cours l'accomplissement de leur mission, ils ont été violemment éconduit d'AKAK, une localité située à environ 15 Kilomètres de Nanga-Eboko par un certain FA'A EMBOCO Joseph, au motif pris du ce que les travaux envisagés sont inutiles pour les populations de ce village et que l'Arrêté déclarant d'utilité publique d'adits travaux est illégal.

Pour lui, le fait qu'il ait saisi le Premier Ministre, Chef Gouvernement pour se plaindre et qu'aucune réponse ne lui ayant été adressée, il a décidé de tout mettre en oeuvre pour s'opposer à ce projet.

Le présent rapport s'articulera autour de trois points à savoir la genèse du problème (I) l'action que j'ai entreprise (II) et la solution provisoire que nous avons envisagée (III).

I - La genèse du problème :

Tout commence par la décision du Gouvernement de la République de céder un site à AKAK, Arrondissement de NANGA-EBOKO pour que les Chinois y implantaient une ferme de production de riz.

Pour délimiter le site à mettre à la disposition des exploitants, un cabinet a été commis à l'effet de procéder aux levés topographiques et autres bornage du terrain.

... // ...

La commission départementale de constat et d'évaluation des biens mis en cause sur ce terrain est descendu sur le site pour recenser les propriétaires de cultures, évaluer leurs biens en vue de leur indemnisation et un Arrêté déclarant d'utilité publique, les travaux envisagés fut pris par l'Autorité compétente.

Lorsque les documents y afférents ont été transmis à YAOUNDE, les responsables du MINDAF se sont rendus compte que des erreurs ont été commises dans le processus de levés topographiques et le Ministre dec da *dy* envoyer une équipe de la Brigade des Travaux Spéciaux pour procéder aux corrections des données transmises à son niveau.

C'est au cours de l'accomplissement de cette mission que l'équipe se heurtera à l'opposition farouche du Sieur FA'A EMBOLO et les Autorités Administratives locales furent saisies au rang desquelles le Sous-Préfet de l'Arrondissement de NANGA-EBOKO qui entreprendra immédiatement une action importante.

## II ACTION DU SOUS-PREFET DE NANGA-EBOKO

La mission du MINDAF ayant pris soin d'identifier leur agresseur et surtout relevé son numéro de téléphone portable, la première action que j'ai entreprise était de l'appeler au téléphone pour l'amener à se présenter à la Sous-Préfecture pour une tentative de conciliation.

Malgré mon insistance, sieur FA'A ne daigna pas décrocher le téléphone. Je donnai rendez-vous à la Mission du MINDAF pour le lendemain 24 Mai à 7 heures 30 minutes et pris soins de saisir téléphoniquement le Commandant de la Brigade Territoriale de Gendarmerie de NANGA-EBOKO, pour une descente sur les lieux au cas où sieur FA'A ne répondrait pas à mon appel.

Le 24 Mai, las d'essayer de joindre le sieur FA'A au téléphone, je décidai de me rendre, accompagné de la mission du MINDAF et du Commandant de Brigade et un gendarme en arme à AKAK.

A notre arrivée vers 09 heures, nous trouvons le Chef de village accompagné de quelques notables et habitants du village. Ils nous firent connaître que FA'A était passé à la chefferie vers 06 heures du matin, à bord d'une moto accompagné d'un scieur muni d'une tronçonneuse, il a proféré des menaces à leur endroit et a demandé à tout le monde de l'attendre sur place, le temps qu'il aille faire quelque chose et il revient pour la rencontre avec le Sous-Préfet.

...//...



Je pris la décision de conduire tout le monde sur le site à la rencontre de sieur FA'A.

A notre arrivée à l'entrée du site, nous nous trouvâmes en présence d'une moto de marque LIFAN SPORT qui était garée en travers de la route, empêchant toute circulation. Je décidai de la faire embarquer dans le pick up de la mission du MINDAF pour la fourrière, ce qui fut fait.

Précédés du Maréchal des Logis NYANGONO de la Brigade Territoriale de Gendarmerie de NANGA-EBOKO, nous continuons la progression en direction du site lorsque nous tombions sur un grand baobab coupé et renversé, par sieur FA'A et son complice, de manière à barrer complètement l'accès au site d'implantation de la future ferme de production de riz par les chinois.

Stupéfaits, nous traversâmes cet arbre pour tomber sur un autre qui avait été coupé dans les mêmes conditions et pour la même raison, barrer la route pour empêcher l'accès au site.

A quelques mètres plus loin, un troisième gros arbre a été découvert dans les mêmes conditions et dans le même dessein.

Nous fûmes guidés quelques minutes plus tard par le ronflement d'une tronçonneuse et de la fumée qui s'en échappait. Nous tombâmes sur le nommé FA'A EMBOLO et son complice en plein accomplissement de leur sale besogne. Ils tentaient d'abattre un quatrième arbre lorsque nous les avons surpris.

### III. SOLUTION PROVISOIRE:

J'ordonnai leur arrestation, l'appel d'une équipe de la Délégation Départementale des Forêts et de la Faune pour engager une procédure contre les mis en cause pour abattage illégal d'arbre.

Après avoir transporté tout le monde à la Brigade, j'obtins du Préfet du Département de la Haute-Sanaga, un Bon de garde à vue administrative de 15 jours renouvelables pour grand banditisme et la mise des intéressés à la disposition de la justice.

Fait à NANGA-EBOKO, le 26 MAY 21



NGUIA BEINA Theophile  
LE SOUS-PREFET

## APPENDIX 6

PARQUET DES TRIBUNAUX DE  
NANGA-EBOKO  
N° 23 de 09/01/2019

A Monsieur le Commandant de la  
Brigade Territoriale de Gen-  
darmérie de Nanga-Eboko.

Pour Plainte c/ FA'A EMBOLO  
Engagée avec transport  
sur les lieux pour constater  
la matérialité des faits  
En cas de faits avérés, déposer  
la mise en cause à mon Parquet.

Procureur de la République  
Junior Eyoem Robert Gonrad  
Magistrat

REPUBLICQUE DU CAMEROUN  
Paix - Travail - Patrie

NANGA-EBOKO, le 08 Janvier 2019

LE MAIRE DE LA COMMUNE DE NANGA-EBOKO  
PRISE EN LA PERSONNE LEGALE MONSIEUR  
ROMAIN ROLAND ETO EBOKO

A

MONSIEUR LE PROCUREUR DE LA REPUBLIQUE  
PRES LES TRIBUNAUX DE NANGA-EBOKO

PARQUET D'INSTANCE DE NANGA-EBOKO  
ARRIVE LE 09 JAN 2019  
SOUS LE N° 26

EBOKO, agissant es qualité de Maire de la

plainte entre vos mains contre le nommé  
t fabrication de preuves dont les faits se

En effet, en date du 07 Avril 2014, les ayants droit de feu **MESSANGA Luc**, en ma qualité de Maire de la Commune de Céans, m'ont donné mandat de m'occuper pour le compte de la Commune la gestion du terrain de droits fonciers n° 135 du 23 Décembre 1954, dont ils sont cohéritiers de leur feu grand père **MESSANGA Luc** (doc n°1). Contre toute attente, courant 2013, sieur **FA'A EMBOLO** s'est opposé en s'autoproclamant héritier sans aucune qualité et a saisi le tribunal civil pour s'entendre être indemnisé. A l'issus du procès, et par jugement n°14/CIV/TPI/17 du 27 Octobre 2017 (doc n°2), icelui a été débouté pour avoir produit les pièces fabriquées pour les besoins de la cause notamment l'attestation de propriété datant de 2013 (doc n° 3) et ce, dans le but d'influencer la procédure par lui engagée.

Par ailleurs, sieur **FA'A EMBOLO** a moult fois posé des actes belliqueux et de barbarie sur ce site entre autre: l'opposition formelle à la construction du palais de Justice, la suppression du parc de stationnement ayant existé et la destruction d'un forage construit par la Commune sans toutefois que celui-ci justifie sa qualité de propriétaire. Pire encore ce jour 08 Janvier 2019, j'ai déployé les agents de la Commune sur les lieux sis à Nkotnam pour le défrichage ; ceux-ci se sont retrouvés face à une agression de la part de sieur **FA'A EMBOLO**, qui leur interdit l'accès dans la parcelle en question. Qu'il est temps de mettre terme à ce comportement odieux.

Qu'il convient de noter que le mandat à moi donné répond au nom de la personne morale et non physique et c'est pour cette raison que la Commune s'investie à occuper les lieux pour les raisons sociales à savoir le stationnement des véhicules en transit.

C'est pourquoi, compte tenu de ce qui précède, je me plains contre le susnommé pour les faits ci-dessus cités punis et réprimés <sup>par</sup> les articles 74, 239 et 168 alinéa 1b du code pénal.

Je vous prie de donner à ma plainte la suite légale qu'elle comporte.

Dans cet espoir, je vous prie de croire Monsieur le Procureur de la République, l'expression de ma parfaite considération.

P.J.:

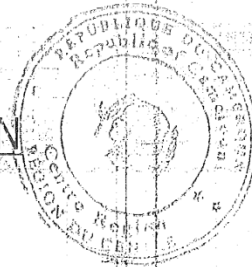
- PHOTOCOPIE JOURNAL OFFICIEL
- PHOTOCOPIE EXPEDITION DU JUGEMENT
- ATTESTATION DE PROPRIETE
- PROCURATION



*Romain Roland Eto*  
Journaliste Principal

pour Certification Matérielle  
de la Signature  
Apposée et Contre

**PROCURATION**



Nous soussignés Monsieur BOULI Dieudonné Marie  
CNI N° 11488020 ; ~~91391838~~ - 91391838 - 71699309

Monsieur MESSANGA Armand Léonard ~~74475150~~ - 74475150 - 91464236  
CNI N° 112233954 délivrée le 02/09/2014 à Yaoundé.

Monsieur OLINGA Privat Arsène  
CNI N° 1143035760. 94.92.17.27

Petits-fils de feu MESSANGA Luc et de feu NDZIE Joséphine  
domiciliés au quartier Nlongkak à Yaoundé ;

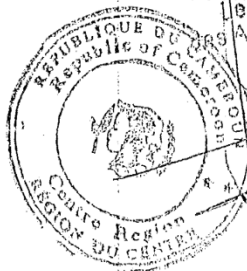
Donnons procuration à :

Monsieur Romain Roland ETO'O EBOGO, Maire de Nanga-Eboko pour  
qu'il s'occupe :

- De la gestion du terrain de notre feu grand-père situé à Nkot-Nam d'une superficie de 05 hectares 50 ares avec le consentement des mandants ;
- De la représentation devant les autorités administratives et judiciaires en cas de litige pouvant survenir dans la gestion de ce terrain ;
- De gérer tous les occupants qui se trouvent dans la maison construite sur ce terrain.

En foi d quoi cette procuration lui est délivrée pour servir et valoir ce que de droit.

Pour le Gouvernement  
Fait à Yaoundé le 07 AVR 2014  
par Délegation  
de la Division  
des Affaires Administratives  
et Judiciaires



07 AVR

Signature  
Le Chef de la Division  
des Affaires Administratives  
et Judiciaires

# JOURNAL OFFICIEL

DE LA REPUBLIQUE DU CAMEROUN

PARAISANT LE MERCREDI DE CHAQUE SEMAINE A YAOUNDE

ABONNEMENTS	CAMEROUN FRANCE COMMUNAUTE	ETRANGER	PAR AVION					
			CAMEROUN	FRANCE	EX-A.R.F.	EX-I.O.T.	AUTRES TER.	ETRANGER
En un an Voie ordinaire	3.500	4.200	2.800	4.000	8.400	8.800	4.000	0.200
Six mois	1.400	2.700	1.650	2.000	1.800	2.000	2.000	3.300
Le numéro de l'année	90	100	90	130	100	110	130	100
Le numéro des années antérieures	110							
En un an Voie recommandée	4.500							
Six mois	2.400							
Le numéro de l'année	100							
Le numéro des années antérieures	100							

Pour les ABONNEMENTS et les ANNONCES, s'adresser au: Chef d'imprimerie.  
(Les abonnements et les insertions sont payables d'avance.)

TARIF : Annonces et avis, la ligne ..... 85 francs  
Publification relative à la propriété foncière, forestière et minière, la ligne ..... 120 francs  
Demande de changement d'adresse ..... 100 francs

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2° Que ledit immeuble a fait l'objet d'un bornage clos et arrêté le 13 janvier 1960 par le géomètre Fouda Edoa (Antoine), et limité :

- Au nord, par une voie publique;
- Au sud, également par une voie publique;
- A l'est, par le lot n° 45;
- A l'ouest, par le lot n° 41.

Le public est informé :

1° Du dépôt d'une réquisition n° 5924 par laquelle, le 26 juillet 1960, le sieur BROUILLET (Siméon, André), commerçant, né Augignac le 16 novembre 1901, domicilié et demeurant à Yaoundé, B.P. 118, veuf de Juliette Boissarie, agissant en son nom personnel et en qualité de propriétaire, demande l'immatriculation au livre foncier du département du Nyong-et-Sanaga, d'un immeuble rural bâti, consistant en un terrain de forme rectangulaire, d'une superficie de 2.484 mètres carrés, situé à Yaoundé, au lieudit Ekoudou, arrondissement de Yaoundé.

Il déclare que ledit immeuble lui appartient en toute propriété le 8 juin 1960, transcrit le 4 juillet 1960, tome 11, folio 41, n° 3678, et qu'il n'est à sa connaissance grevé d'aucuns droits ou charges réels, actuels ou éventuels.

2° Que ledit immeuble a fait l'objet d'un bornage clos et arrêté le 8 avril 1959 par le géomètre Angela (Charles), et limité :

- Au nord, par le titre foncier n° 500;
- Au sud, par le lot de M. Bernard (Auguste);
- A l'est, par une voie non dénommée;
- A l'ouest, par le terrain domaniaux.

Les oppositions ne seront plus reçues passé un délai de deux mois, pour compter de l'insertion des présents avis au Journal officiel de la République du Cameroun.

#### Avis de demande d'immatriculation.

##### Département du Dja-et-Lobo.

Le public est informé :

Du dépôt d'une réquisition n° 5923 par laquelle, le 10 août 1960, le sieur WAFFO (Augustin), commerçant, né à Bangabang, marié, agissant en son nom personnel et en qualité de propriétaire, demande l'immatriculation au livre foncier du département du Dja-et-Lobo, d'un immeuble urbain, consistant en un terrain de forme rectangulaire, d'une superficie de 599 mètres carrés, situé à Zoaté, arrondissement de Sangmélima.

Il déclare que ledit immeuble lui appartient en toute propriété pour l'avoir obtenu suivant arrêté à titre définitif n° 53 du 18 mars 1960, transcrit le 12 août 1960, tome 11, folio 49, n° 3685, et qu'il n'est à sa connaissance grevé d'aucuns droits ou charges réels, actuels ou éventuels.

##### Département du Nyong-et-Sanaga.

Le public est informé :

Du dépôt d'une réquisition n° 5922 par laquelle, le 23 juillet 1959, le sieur MESSANGA (Luc), planteur, né à Nanga-Eboko vers 1900, y domicilié et y demeurant, agissant en son nom personnel et en qualité de propriétaire, demande l'immatriculation au livre foncier du département du Nyong-et-Sanaga, d'un immeuble rural non bâti, consistant en un terrain vague de forme rectangulaire, d'une contenance de 5 ha 50 a, situé à Nkot-Nam, arrondissement de Nanga-Eboko.

Il déclare que ledit immeuble lui appartient en toute propriété pour l'avoir obtenu par jugement de reconnaissance de droits fonciers n° 135 rendu le 23 décembre 1954, par le tribunal du deuxième degré de Yaoundé, transcrit le 10 décembre 1959, tome 9, folio 62, n° 3440, et qu'il n'est à sa connaissance grevé d'aucuns droits ou charges réels, actuels ou éventuels.

Le public est informé :

Du dépôt d'une réquisition n° 5925 par laquelle, le 20 septembre 1958, le sieur OMBOLO (Léon), planteur, né à Nkolzoa I, vers 1919, domicilié et demeurant à Nkolzoa (Saa), marié, agissant tant en son nom personnel que pour celui de MM. Aworo (Eugène), âgé de quarante ans, Ombolo Ekassi, âgé de cinquante-quatre ans, Ndzana (Mathieu), âgé de quarante et un ans, Omboll (Fabien), âgé de quarante ans, Ayissi (Luc), âgé de quarante-quatre ans, Alima (Jules), âgé de trente ans, Otila (Barthélémy), âgé de trente-sept ans, Noa (Marcus), âgé de vingt-neuf ans, Awono Ngah, âgé de trente-deux ans, Ombolo (Clément), âgé de cinquante-deux ans, Ekwono (Fabien), âgé de cinquante-quatre ans, Edzama (Lazare), âgé de vingt-six ans, tous planteurs, résidents à Nkolzoa I (Saa), y domiciliés et y demeurant, demande l'immatriculation au livre foncier du département du Nyong-et-Sanaga, d'un immeuble rural non bâti, consistant en un terrain d'une contenance de 59 a 48 ca, situé à Nkolzoa I, arrondissement de Saa.

Il déclare que ledit immeuble lui appartient en co-proprieté avec les personnes sus-nommées pour l'avoir obtenu suivant jugement de reconnaissance de droits fonciers n° 69-F, rendu le 27 décembre 1957 par le tribunal du deuxième degré de Yaoundé, transcrit le 3 octobre 1959, tome 9, folio 16, n° 3227, et qu'il n'est à sa connaissance grevé d'aucuns droits ou charges réels, actuels ou éventuels.

Les oppositions ne seront plus reçues passé un délai de deux mois, pour compter de l'insertion des présents avis au Journal officiel de la République du Cameroun.

## PARTIE NON OFFICIELLE

L'Administration du Territoire déclare déléguer toutes responsabilités et compétences à la partie non officielle.

### La Confection Camerounaise

#### ACTE SOUS-SEING PRIVÉ

Entre les soussignés : M<sup>me</sup> Guibert, MM. Coq, Paget, d'une part, porteurs de parts de la S. A. R. L. "La Confection Camerounaise".

Et M. Chalazonitis Sotiria, d'autre part qui accepte.

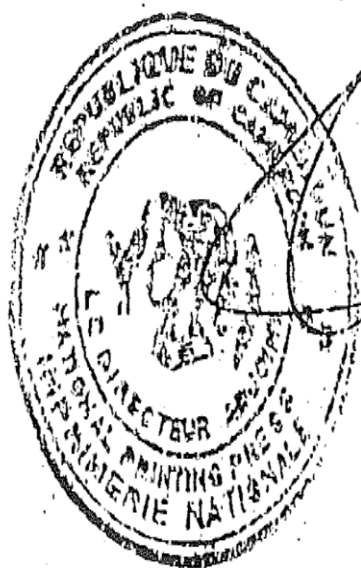
En regard de la dissolution de la société, le matériel et mobilier est vendu à M. Chalazonitis pour la somme de 500.000 francs avec droit d'exploitation sous la dénomination "La Confection Camerounaise".

Fait à Yaoundé, le 21 juillet 1960.

M<sup>me</sup> Guibert ; M. Coq ; M. Paget ; M. Chalazonitis S.

P. C. C. C.

P. le Directeur de l'Imprimerie Nationale  
et Par Délégation  
Le Directeur Adjoint



Salomon NGUENANG

EXTRAIT DES MINUTES DU TRIBUNAL  
DE PREMIERE INSTANCE DE NANGA-EBOKO

COUR D'APPEL DU CENTRE

\*\*\*\*\*

REPUBLIQUE DU CAMEROUN

Paix Travail Patrie

\*\*\*\*\*

TRIBUNAL DE PREMIERE  
INSTANCE  
DE NANGA-EBOKO

\*\*\*\*\*

GREFFE  
SECTION CIVILE ET COMMERCIALE

\*\*\*\*\*

CPTÉ N°:11/P/2013

JUGEMENT N°:14/CIV/TPI/17  
DU 27 OCTOBRE 2017

EXPEDITIF  
AFFAIRE:

FA'A EMBOLO Joseph  
(Me NKO'O ESSONO)

CONTRE

La commune de NANGA-EBOKO  
Dame ADIDJA  
(Me ATTA ESSOUMA)

NATURE DE L'AFFAIRE:  
-Assignation en indemnisation.

DECISION:  
(Lire dispositif)

100002  
A l'audience publique ordinaire du Vendredi vingt-sept  
Octobre deux mille dix-sept, du Tribunal de Première  
Instance de NANGA-EBOKO, siégeant en matière civile en  
la salle ordinaire de ses audiences, siége au Palais de Justice  
de ladite ville et tenue par:

\_\_\_ Monsieur DJOADIA François, Juge audit Tribunal ;

-----PRESIDENT-----

\_\_\_ Assisté de Maître POH ALIMA Norbert,

-----GREFFIER-----

ENTRE:

\_\_\_ Monsieur, FA'A EMBOLO Joseph, cultivateur à  
NANGA-EBOKO, y demeurant, demandeur  
D'UNE PART ;

ET

\_\_\_ La commune de NANGA-EBOKO, prise en la  
personne de son représentant légal ;

\_\_\_ Dame ADIDJA, Défenderesses ;  
D'AUTRE PART ;

\_\_\_ Sans que les présentes qualités puissent nuire ou  
préjudicier aux droits et intérêts de chacune des parties en  
cause mais au contraire sous les plus expresses réserves de  
fait et de droit ;

FAITS:

\_\_\_ Par exploit du 15 Avril 2013, enregistré le 16 Mai 2013  
au centre départemental des impôts de la Haute Sanaga,  
volume 04, folio 50, case 489-01 aux frais de huit mille  
francs, du Ministère de Maître MBALLA Ambroise,  
Huissier de Justice près la Cour d'Appel du Centre et les  
Tribunaux de NANGA-EBOKO, le nommé FA'A  
EMBOLO Joseph a fait donner assignation à la commune  
de NANGA-EBOKO et à dame ADIDJA, d'avoir à se  
trouver et comparaître devant le Tribunal de Première  
Instance de NANGA-EBOKO, statuant en chambre civile  
pour, est-il dit dans l'acte de saisine:

\_\_\_ Attendu que le requérant est propriétaire coutumier d'un  
lopin de terre sis au quartier dit « NKOT-NAM » de ladite

1<sup>er</sup> Rôle



localité à lui légué par ses parents.

— Que ledit lopin actuellement querelle est en d'immatriculation et la taxe régulièrement payée conformément sera prouvé en tant de droit ;

— Mais attendu que courant année 2008, la Commune de céans, s'y est introduite contre son gré, puis à l'aide d'un bulldozer loué à l'effet de terrassement d'un site devant abriter un stationnement de gros porteurs a détruit ses cultures essentiellement destinées à la vente ;

— Attendu que le parc encore en service rapporte de gros sous à la Mairie ;

— Attendu encore qu'en dehors des dites destructions, la Commune a forcément contribué à la violation des tombeaux compris dans ce domaine ;

— Attendu que comme si cela n'était pas suffisant, la Commune a cette année encore, mis le feu à la partie restante de son immeuble, lequel feu a complètement consumé ses dernières plantations et ses billes de bois stérées non loin de là ;

— Attendu plus étonnant encore que dame ADIDJA, qui a gagné un marché de forage de ladite Mairie a utilisé ses pierres pourtant entassées loin du site, faits qui ont été constatés par l'Huissier instrumentaire ;

— Attendu que ces faits ont fortement préjudicié à ses intérêts, qu'il sollicite du Tribunal l'allocation d'une indemnité compensatrice ;

— Attendu que la partie qui succombe au procès paie les dépens ;

**PAR CES MOTIFS:**

Et tous autres à ajouter, déduire ou suppléer même d'office ;

— Recevoir le requérant en son action et l'y dire fondé ;

— S'entendre constater que les destructions actuellement décriées ont été causées par la Commune ;

— S'entendre constater aussi que dame ADIDJA en utilisant les pierres du sieur FA'A EMBOLO a diminué considérablement son patrimoine et par conséquent se doit de rétablir les équilibres rompus ;

— S'entendre enfin constater qu'en facilitant la violation des tombeaux, la Mairie a engagé une fois encore sa responsabilité civile ;

**EN CONSEQUENCE:**

— Allouer telle somme à l'assignant à titre de dommages-intérêts ;

— Condamner les requis aux dépens solidaires générés par la présente procédure ;

— L'affaire enrôlée et appelée à l'audience du 26 Avril 2013, a été renvoyée plusieurs fois en rang utiles ;

— A l'audience du 28 Juin 2013, le demandeur a produit des conclusions dont la teneur suit :

**PAR CES MOTIFS:**

— Et tous autres à ajouter, déduire ou suppléer même d'office ;

Recevoir le concluant en son acte et l'y dire fondé ;  
 \_ S'entendre constater que l'occupation illégale de requise ainsi que les destructions causées par les agents de la Commune ont fortement préjudicié aux intérêts de ce dernier ;

\_ S'entendre dire et juger que dame ADIDJA qui a utilisé les pierres de sieur FA'A sans son aval a diminué son patrimoine ;

\_ S'entendre constater aussi qu'en profanant les tombeaux, la Mairie ne saurait être exonérée et même partiellement, et doit répondre de ses actes ;

EN CONSEQUENCE:

\_ Condamner la Commune à lui verser la somme totale de cinq millions cinq cents mille (5 500 000 francs) CFA représentant 4 025 000 Frs CFA pour le préjudice matériel et 1 250 000 Frs CFA dérivant du préjudice moral ;

\_ Condamner aussi dame ADIDJA à lui payer la somme de 700 000 Frs CFA comptant pour le préjudice par lui subi ;

\_ Condamner enfin ces derniers aux dépens solidaires générés par la présente procédure ;

\_ Ordonner l'exécution provisoire de la décision à intervenir nonobstant appel et sans caution ;

\_\_\_A l'audience du 27 Janvier 2017, la Commune de NANGA-EBOKO sous la plume de son conseil, Maître ATTA ESSOMA, 2<sup>e</sup> adjoint au Maire de ladite commune, a produit des conclusions dont la teneur suit:

PAR CES MOTIFS

\_ Recevoir la demanderesse en son exception pour défaut d'agir et de qualité ;

\_ Déclarer irrecevable l'acte processuel « assignation en indemnité » pour les faits susmentionnés ;

\_ Condamner le demandeur aux entiers dépens ;

\_\_\_A l'audience du 23 Juin 2017, le demandeur a produit des conclusions dont la teneur suit:

PAR CES MOTIFS:

\_ Et tous autres à ajouter, suppléer ou déduire en tant que de besoin ;

\_ Recevoir le demandeur en son action et l'y dire fondée ;

\_ S'entendre dire que sieur FA'A EMBOLLO Joseph a qualité pour agir, étant copropriétaire d'un bien de famille légué par ses geniteurs ;

\_ S'entendre dire et juger que le moyen de défense de la Commune est infondée ;

\_ S'entendre adopter en entier les motifs de ses écritures antérieures ;

\_\_\_A l'audience du 02 Juin 2017, l'affaire a été mise en délibéré au 23 Juin 2017, délibéré qui a été prorogé plusieurs fois pour jugement à être rendu le 27 Octobre 2017;

Que dame ADIDJA, qui avait gagné un marché de construction de forage, de ladite Mairie, a utilisé ses matériaux, mais que les pierres et les briques ont été cependant entassées loin du site; faits dont l'expert a constaté et que tout ceci préjudicie aux intérêts du demandeur pour lesquels il sollicite que le Tribunal alloue une indemnité compensatrice ainsi que la condamnation de la partie qui succombe aux dépens ;

\_\_\_ Attendu que toutes les parties ont comparu aux débats publics à l'audience et ont conclu ;

\_\_\_ Qu'il échet de statuer par jugement contradictoire ;

\_\_\_ Attendu que dans ses écritures des 05 Juin 2013 et 29 Mai 2017, le demandeur a réitéré la responsabilité des défenderesses en application des dispositions de l'article 1382 du code civil en ce que « tout fait de l'homme qui cause à autrui un dommage, oblige celui par la faute duquel il est arrivé à la réparer » ;

\_\_\_ Qu'il a évalué pour les destructions déplorées, son préjudice matériel à 4 250 000 Frs CFA et la prédation des cailloux rouges par dame ADIDJA, pour construire des forages pour le compte de la Mairie à 750 000 Frs CFA, puis son préjudice moral à 1 250 000 Frs CFA, soit un total de cinq millions cinq cents mille francs (5 550 000 Frs) CFA ;

\_\_\_ Qu'il a aussi produit une thermocopie d'une correspondance de la Chambre Administrative de la Cour Suprême du 13 Décembre 2010, deux exploits de constats d'Huissier du Ministère de Maître MBALLA Ambroise, Huissier de Justice ayant charge à NANGA-EBOKO des 22 Avril 2008 et 08 Mars 2013, ainsi qu'une thermocopie d'attestation de propriété coutumière sans date ;

\_\_\_ Qu'il a également produit une procuration spéciale du 08 Mai 2013 d'AFANA Bernadette et EMBOI O OKALA ses sœurs germaines ainsi que thermocopie de procès-verbal de constat d'occupation et ou exploitation et de bornage contradictoire d'une dépendance du domaine national de première catégorie du 08 Août 2007 duquel il ressort que sur l'occupation et l'exploitation effective en terme de construction, rien n'a été noté et que pour les cultures et autres, il n'y avait que la jachère ;

\_\_\_ Que le requérant n'a reconnu que les jachères entreprises sur le site et qu'il y a eu cependant des oppositions de la famille MESSANGA Luc et consorts qui a élevé des droits sur l'espace sollicité ;

\_\_\_ Attendu que les défenderesses sous la plume de leur conseil, sieur ATTA ESSOMA, a conclu à l'irrecevabilité de l'acte processuel « d'assignation en indemnité » du demandeur FA'A EMBOLO Joseph pour les faits susmentionnés et de condamner le demandeur aux entiers de la procédure ;

\_\_\_ Qu'il excipe que le demandeur affirme être propriétaire coutumier d'un lopin de terre sis au quartier « NKOT NAM »

Que dame ADIDIA, qui avait gagné un marché de construction de forage de ladite Mairie, a utilisé ses pierres pourtant enfassées loin du site, faits dont l'exploit de constat a été fait et que tout ceci préjudicie aux intérêts du demandeur pour lesquels il sollicite que le Tribunal lui alloue une indemnité compensatrice ainsi que la condamnation de la partie qui succombe aux dépens ;

\_\_\_ Attendu que toutes les parties ont comparu aux débats publics à l'audience et ont conclu ;

\_\_\_ Qu'il échet de statuer par jugement contradictoire ;

\_\_\_ Attendu que dans ses écritures des 05 Juin 2013 et 29 Mai 2017, le demandeur a réitéré la responsabilité des défenderesses en application des dispositions de l'article 1382 du code civil en ce que « tout fait de l'homme qui cause à autrui un dommage, oblige celui par la faute duquel il est arrivé à la réparer » ;

\_\_\_ Qu'il a évalué pour les destructions déplorées, son préjudice matériel à 4 250 000 Frs CFA et la prédation des cailloux rouges par dame ADIDIA pour construire des forages pour le compte de la Mairie : 750 000 Frs CFA pur son préjudice moral à 1 250 000 Frs CFA, soit un total de cinq millions cinq cents mille francs (5 550 000 Frs) CFA ;

\_\_\_ Qu'il a aussi produit une thermocopie d'une correspondance de la Chambre Administrative de la Cour Suprême du 13 Décembre 2010, deux exploits de constats d'Huissier du Ministère de Maître MBALLA Ambroise, Huissier de Justice ayant charge à NANGA-EBOKO des 22 Avril 2008 et 08 Mars 2013, ainsi qu'une thermocopie d'attestation de propriété coutumière sans date ;

\_\_\_ Qu'il a également produit une procuration spéciale du 08 Mai 2013 d'AFANA Bernadette et EMBOLO OKALA ses sœurs germaines ainsi que thermocopie de procès-verbal de constat d'occupation et ou exploitation et de bornage contradictoire d'une dépendance du domaine national de première catégorie du 08 Août 2007 duquel il ressort que sur l'occupation et l'exploitation effective en terme de construction, rien n'a été noté et que pour les cultures et autres, il n'y avait que la jachère ;

\_\_\_ Que le requérant n'a reconnu que les jachères entreprises sur le site et qu'il y a eu cependant des oppositions de la famille MESSANGA Luc et consorts qui a élevé des droits sur l'espace sollicité ;

\_\_\_ Attendu que les défenderesses sous la plume de leur conseil, sieur ATTA ESSOMA, a conclu à l'irrecevabilité de l'acte processuel « d'assignation en indemnité » du demandeur FA'A EMBOLO Joseph pour les faits susmentionnés et de condamner le demandeur aux entiers de la procédure ;

\_\_\_ Qu'il excipe que le demandeur affirme être propriétaire coutumier d'un lopin de terre sis au quartier « NKOTNAM :

3° Rôle

à lui légué par ses parents, mais que cette assignation est sous-tendue par aucune preuve à l'instar d'un acte justificatif justifiant un legs encore moins celui donnant droit d'exercer un quelconque acte en justice ;

\_\_\_ Que sans qu'il soit besoin de procéder à l'examen contradictoire au fond, la défenderesse soulève une fin de non-recevoir de l'assignation pour défaut de qualité voire même pour défaut de droit d'agir en ce sens que « sans droit d'agir, pas de droit d'action » ;

\_\_\_ Qu'il convient eu égard à ce qui précède de déclarer irrecevable l'acte processuel introduit par le demandeur en vertu de l'article 122 du code de procédure civile ;

\_\_\_ Attendu que relativement à la fin de non-recevoir, celle-ci a l'effet d'une exception soulevée en justice ;

\_\_\_ Attendu que l'article 97 du code de procédure civile, toutes les exceptions, demandes en nullité, fins de non-recevoir et tous les autres déclinatoires visés aux articles précédents, sauf l'exception ratione materiae et l'exception de communication de pièces, seront déclarées non recevables s'ils sont présentés après qu'il aura été conclu au fond ;

\_\_\_ Que l'instance a été introduite en 2013 et l'une des défenderesses a excipé l'exception quatre années à la suite de plusieurs conclusions du demandeur ;

\_\_\_ Qu'il est produit dans les pièces du dossier de procédure un procès-verbal de bornage et d'occupation d'une parcelle du domaine national, à la suite d'une procédure introduite par FA'A EMBOLO Joseph, même si cette procédure a connu des oppositions ;

\_\_\_ Que cette exception apparaît dès lors comme dilatoire et qu'il échet de la rejeter ;

\_\_\_ Attendu que le demandeur a fait état de ce que la Mairie de NANGA-EBOKO et dame ADIDJA ont empiété sa propriété coutumière en y aménageant un parc à camions et y construisant des forages aux moyens de prédatons de ses pierres entreposées non loin de ce site ;

\_\_\_ Qu'il déplore également les destructions des tombes de ses parents et a produit une procuration de ses sœurs germanes, un procès-verbal d'occupation et de bornage ainsi qu'une attestation de propriété coutumière et des exploits de constats d'Huissier ;

\_\_\_ Mais attendu qu'il ressort des pièces de procédure de nombreuses contradictions qui jettent le trouble sur les droits réclamés et partant la moralité de FA'A EMBOLO Joseph ;

\_\_\_ Qu'alors qu'il étale dans ses conclusions que les tombeaux de ses parents ont été profanés et détruits « forcément », des plantations rasées et incendiées en 2008 et 2013, le procès-verbal de constat d'occupation et/ou d'exploitation et de bornage contradictoire d'une dépendance du domaine national de première catégorie du 08 Août 2007, des déclarations de FA'A EMBOLO Joseph,

il ne reconnaît que les jachères entreprises sur le site et il n'y est fait mention ni de tombe ni de plantations encore moins de ses arbres fruitiers ou autres arbres stériles ;

\_\_\_ Que l'attestation de propriété coutumière ne porte pas de date et que ses prétendues sœurs germaines à l'examen des pièces n'ont pas de parents communs avec ce dernier ;

\_\_\_ Qu'en l'absence d'un jugement d'hérédité lui conférant des droits protégés et aussi d'un titre foncier, seule pièce qui certifie la propriété foncière, une demande d'immatriculation qui pis est, est contestée par des oppositions de la famille MESSANAGA Luc et consorts, ne saurait lui conférer la qualité de propriétaire, sur une parcelle qui n'a même pas de délimitations précises ;

\_\_\_ Qu'il appert que les pièces produites ont été fabriquées pour les besoins de la cause ;

\_\_\_ Qu'en égard à tout ce qui précède, il échet au regard de ces contradictions de déclarer FA'A EMBÓI.O Joseph non fondé en sa demande et de l'en débouter ;

\_\_\_ Attendu qu'il échet de mettre les dépens de la procédure à la charge du demandeur ;

FAR CES MOTIFS:

---Statuant publiquement, par jugement contradictoire a l'égard de toutes les parties, en chambre civile et en premier ressort, après en avoir délibéré conformément à la loi .

---Reçoit le demandeur en son action ;

---L'y dit non fondé et l'en déboute ;

---Le condamne aux dépens de la procédure ;

---Avertit les parties de leur droit d'exercer les voies de recours ;

---Ainsi jugé et prononcé en audience publique, les mêmes jour, mois et an que dessus .

---En foi de quoi le présent jugement a été signé par le président et le greffier, approuvant \_\_\_ lignes \_\_\_ et mots \_\_\_ rayés nuls. /-

LE PRESIDENT

LE GREFFIER

E - 20 000 F  
MAGISTRAT A MANGA-EBORO  
COTES JUDICIAIRES  
le 16 juillet 2018  
le 09 FOLIO 9 case 566/06  
à Vinat mille France  
N° 35474050 du 12-07-2018  
LE CHAT DE CENTRE

PROCES VERBAUX DES TRIBUNAUX GANZONI  
RÉDIGÉS PAR MESS. GREFFIERS EN CHEF  
ASSOCIÉS  
MANGA-EBORO, le 12 AOUT 2018



*Richard Tchami Foutat*  
Administrateur des Greffiers

APPENDIX 7



REPUBLIQUE DU CAMEROUN  
PAIX-TRAVAIL-PATRIE  
REGION DU CENTRE  
DEPARTEMENT DU HAUTE SANAGA  
PREFECTURE DE HAUTE SANAGA  
OFFICE

REPUBLIC OF CAMEROON  
PEACE-WORK- FATHERLAND  
CENTER REGION  
UPPER SANAGA DIVISION  
SENIOR DIVISIONAL  
UPPER SANAGA  
JAFF LIONAL LEINYUY

NO. 2495/M/CSPINE

TO

"COMMISSIARE PRINCIPAL" UPPER SANAGA DIVISION

SUBJECT : AUTHORIZATION TO CARRY OUT RESEARCH

I have the honor and respect to demand for authorization to conduct research in the upper Sanaga division. I am a PhD research student in the university of yaounde1 and enroll in to the doctoral research unit for social sciences since 2015. I wish to conduct research on large scale land acquisition in the upper Sanaga division by multinational companies and elites.

Mindful of the fact that this topic is very sensitive, I wish to stressed on the fact that all the information gathered from the field will be treated accordingly with care and academic honesty without implicating the informant. All official documents open to the researcher will serve the academic purpose for which it deserves. I therefore bare the responsibility to face the judiciary if I do not use the documents and information for the academic purpose it was designed for.

Equally, I will also wish to seek for protection from your service in the course of my research in case of intimidation and threats in the field. Any action or misconduct in the field by both the researcher and the informant should be treated with fairness and justice in respect of the jurisdiction. I will be very happy if my request is taken into cognizance.

COPY

-The concern  
--Archives

DONE AT NANGA EBOKO ON 28 MAT 2020



"COMMISSIARE PRINCIPAL"

*Ferdinand Njodkela Tuko*  
(Commissioner Of Police)

## APPENDIX 8

REPUBLIQUE DU CAMEROUN  
Paix-Travail-Patrie  
\*\*\*\*\*  
REGION DU CENTRE  
\*\*\*\*\*  
DEPARTEMENT DE LA HAUTE-SANAGA  
\*\*\*\*\*  
PREFECTURE DE NANGA-EBOKO  
\*\*\*\*\*  
SERVICE DES AFFAIRES JURIDIQUES ET  
POLITIQUE  
\*\*\*\*\*

REPUBLIC OF CAMEROON  
Peace-Work-Fatherland  
\*\*\*\*\*  
CENTER REGION  
\*\*\*\*\*  
UPPER SANAGA DIVISION  
\*\*\*\*\*  
NANGA-EBOKO SENIOR DIVISIONAL OFFICE  
\*\*\*\*\*  
SERVICE OF JUDICIALS AND POLITICS  
AFFAIRS  
\*\*\*\*\*

**MESSAGE-PORTE** N° 097 /MP

MENTION : URGENT

DE : PREFET HAUTE-SANAGA

A : - TOUS SOUS-PREFET/HS

- DD/MINDCAF/HS
- DD/MINADER/HS
- DG SOSUCAM
- DG CATAK N-E
- INTERESSE

**TEXTE** : DANS CADRE RECHERCHES ACADEMIQUES  
**STOP** EFFECTUEES PAR NOMME JAFF LIONNEL  
LEINYOY STOP ETUDIANT EN CYCLE DOCTORAL A  
UNIVERSITE YAOUNDE I POUR PERIODE ALLANT DE  
JUN A DECEMBRE 2020 SUR ETENDUE  
DEPARTEMENT HAUTE-SANAGA **STOP** HVDVB **STOP**  
METTRE A LA DISPOSITION DE L'INTERESSE **STOP**  
TOUTES INFORMATIONS NECESSAIRES A CET EFFET  
**STOP** IMPORTANCE PARTICULIEREMENT SIGNALEE  
**STOP** ET FIN.

NANGA-EBOKO, LE \_\_\_\_\_

VU, BON A PORTER

COPIE : CHEF DEPARTEMENT HISTOIRE YDE I



-NANGA DANG-



## APPENDIX 9

PROTOCOLE D'ACCORD

ENTRE

LE GOUVERNEMENT DE LA REPUBLIQUE DU CAMEROUN

ET LA SOCIETE DENOMMEE INTEGRATE-INDUSTRY-COMMERCE  
CORPORATION OF SHAANXI LAND RECLAMATION &  
STATES FARMSRELATIF A LA REALISATION DES PROJETS AGRICOLES AU  
CAMEROUN

Le Gouvernement de la République du Cameroun, représenté par le Ministre de l'Agriculture, et du Développement Rural, et la Société Integrate-Industry-Commerce Corporation of Shaanxi Land Reclamation & States Farms, représenté par son Président,

Désireux de contribuer à :

- la lutte contre la pauvreté et le chômage par un regain de vitalité du fleuron industriel et un apport substantiel de plus value ;
- l'amélioration de la sécurité alimentaire ;
- l'exportation de la production excédentaire en vue de l'amélioration de la balance commerciale.

Conviennent de ce qui suit :

#### Article 1<sup>er</sup> : DISPOSITIONS GENERALES

Le présent protocole d'accord a pour objectifs la réalisation au Cameroun de projets agricoles dans les domaines ci-après :

- la production, la transformation et la commercialisation du riz ;
- la transformation industrielle du manioc.

En tant que de besoin et d'accord parties, cette activité pourrait s'étendre à d'autres projets agricoles et d'élevage.

#### Article 2 : ZONE D'IMPLANTATION DES PROJETS

La zone de mise en œuvre des projets est NANGA-EBOKO dans le Département de la Haute Sanaga, Province du Centre, Toutefois et d'accord parties, les activités de la Société Integrate-Industry-Commerce Corporation of Shaanxi Land Reclamation & States Farms pourraient s'étendre sur toute autre localité du territoire camerounais.

#### Article 3 : ENGAGEMENTS DES DEUX PARTIES

Le Gouvernement de la République du Cameroun s'engage à :

- concéder à la partie chinoise, conformément à la législation foncière et domaniale en vigueur, les terrains nécessaires à l'installation des usines et au développement des projets ;
- prendre en charge, dans le cadre d'un fonds de contrepartie, les frais fiscaux et douaniers relatifs à l'importation des équipements, engins et machines agricoles nécessaires à la réalisation de ce projet.

La Société chinoise Integrate-Industry-Commerce of Shaanxi Land Reclamation & States Farms s'engage à :

- investir dans l'exploitation des terrains concédés en vue de la réalisation des projets visés à l'article 1<sup>er</sup> ci-dessus ;
- développer et promouvoir les techniques agricoles modernes ;

- garantir le transfert des technologies, l'importation et le montage des machines, pour la production et la transformation des produits agricoles ;
- veiller à une gestion durable du sol et des ressources en eau ;
- développer les infrastructures agricoles, les techniques culturales et d'élevage ;
- rechercher les financements nécessaires à la réalisation de ces projets.

#### Article 4 : REALISATION DES PROJETS

La Société chinoise établira au Cameroun, une société de droit camerounais à responsabilité limitée.

Le personnel en service dans ladite société sera régi par le code de travail camerounais.

#### Article 5 : REGLEMENT DES DIFFERENDS

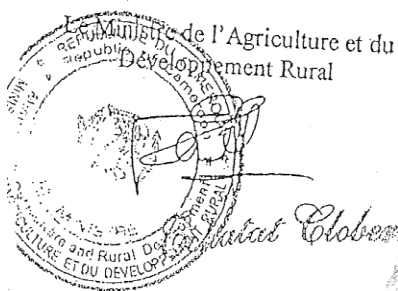
Tout différend né de la mise en œuvre du présent protocole d'accord sera réglé à l'amiable ou, en tant que de besoin, d'accord parties par l'arbitrage suivant la procédure OHADA.

Le présent protocole d'accord est rédigé en français et en anglais et en double exemplaire signé par les deux parties. Il est fait une transcription du texte en chinois, les versions française et anglaise faisant foi.

Fait à Yaoundé, le 13 JAN 2006

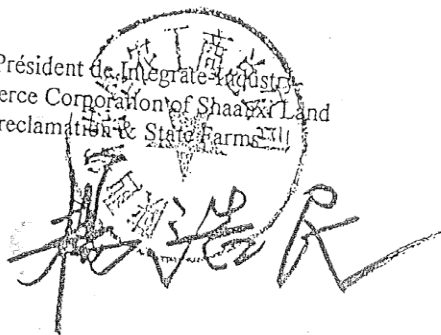
Ont signé :

Pour le Gouvernement de la  
République du Cameroun :



Pour la Société Chinoise  
Integrate-Industry-Commerce Corporation  
of Shaanxi Land Reclamation & States  
Farms:

Le Président de Integrate-Industry-  
Commerce Corporation of Shaanxi Land  
reclamation & State Farms



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## ANNEXE II

MISSION AGRICOLE CHINOISE  
B.P. 29 NANGA-EBORO

NOM ET PRENOMS	DATE ET LIEU DE NAISSANCE	NATIONALITE	SITUATION DE FAMILLE	QUALIFICATION	N° DE PASSEPORT	DATE DE l'ère ENTREE AU CA
1. TUNG MO-TUNG	5/2/1915 à Formose	Chinois	Marié	Agriculturiste	12754	11/9/1964
2. TSENG MING- CHUAN	11/7/1937 à Formose	"	"	"	15150	17/12/1965
3. CHENG LI-TA	23/10/1919 à Formose	"	"	"	15691	31/3/1966
4. TSAI KWAN-LAN	10/2/1941 à Formose	"	Célibataire	"	15131	17/12/1965
5. LIANG YUNG	17/7/1938 à Formose	"	Marié	"	16149	17/12/1965
6. SHIAU KIN-HER	19/3/1939 à Formose	"	"	"	19598	2/7/1968
7. JENG GUEY- TSUEN	20/10/1942 à Formose	"	"	"	19603	2/7/1968
8. CHUNG LIANG- NAN	13/5/1941 à Formose	"	"	"	21912	20/11/1968
9. WU TA-MING	8/7/1937 à Formose	"	"	"	21926	20/11/1968
10. CHENG-TIEN- YEN	8/8/1936 à Formose	"	"	"	23153	22/7/1969
11. HONK TIEN-SEH	8/1/1941 à Formose	"	"	"	24860	22/1/1970
12. CHU CHING-SHUN	1/4/1936 à Taiwan	"	"	"	OF15441	12/3/1970
13. HAI CHING-HER	1/10/1943 à Taiwan	"	Célibataire	"	19378	9/10/1967
14. WANG TUNG-YUN	24/11/1940 à Taiwan	"	Marié	"	OF17576	7/11/1964

NANGA-EBORO, LE 16/4/1970

LE CHEF DE MISSION,

TUNG MO-TUNG

## MISSION AGRICOLE CHINOISE B.P. 29 NANGA-EROKO

Situation de personnel payé par le budget  
chinois.

NO	NOM ET PRENOMS	EMPLOIS	CATEGORIE	ZONE	SALAIRE HORAIRE	PRIME ANCT	SALAIRE MENSUEL	OBSERVA- TION
1	ROUPEL Marien	Chauffeur	7	1	75,04		14.320	
2	BOUZA Jacques	Cond. eng.	14	3	94,74	5%	18.900	
3	DE SALA Thomas	"	8	3	55,34	5%	10.068	
	BIANI François	Manoœuvre	4	3	38,48	5%	7.098	
5	MBOMI Barnabé	"	4	3	"	5%	7.098	
	BITI Laurent	"	3	3	38,48	5%	7.220	
	SABUL Albert	"	3	3	"	5%	7.220	
	MOFAPU Nestor	"	3	3	"	5%	7.220	
6	MOJAMPOU Jacob	"	3	3	"	5%	7.220	
	AYAN Bernard	"	3	3	30,80	5%	6.364	
	MBOCKE Victor	"	2	3	"	5%	6.364	
7	DINDA Hubert	"	2	3	31,81		6.364	
	NGOM MICHEL J. Marie	"	2	3	"		6.364	
8	ALANGSANG André	"	2	3	"		6.364	
	PAULIN TONY	"	2	3	"		6.364	
9	ESSAK Jean	"	1	3	28,85		5.738	
	TAMBA Jean	"	3	3	32,12		7.084	

Salaire mensuel global avec 8 heures de travail par jour ..... /118.908/

Situation de personnel payé par le budget camerounais

IMPUTATION BUDGETAIRE : Chapitre : 58 - Article 804 - Personnel S.C. - Exercice  
1970/1971.

NOM	EMPLOIS	CATEGORIE	ZONE	SALAIRE HORAIRE	PRIME ANCT	SALAIRE MENSUEL	OBSERVA- TION
MOUJOU Marie	Agent de liaison	18e		17,00		39.000	
MBEMBE Gabriel	Secrétaire Dactylo	9e	1	88,76	5%	17.800	
MOUJOU Jean-Marie	Chauffeur	8e	1	79,57	5%	14.700	
MOUJOU Jean	"	8e	1	79,57		14.700	

NANGA-EROKO, le 18/4/1971

CENTRE DE PROMOTION RURALE

SANGMELIMA, le 4 mars 1970

SANGMELIMA B.P. 43

CAMEROUN

Le Directeur du Centre de Promotion Rurale

à Monsieur le Directeur de l'Agriculture

- Y A O U N D E -

SECTION de L'AGRICULTURE  
 PRODUCTION AGRICOLE  
 Arrivée le 7 mars 70  
 Sous le N° 288 .....



Monsieur le Directeur,

J'ai l'honneur de porter à votre connaissance que l'équipe de 16 riziculteurs de Sangmélima est en stage à NANGA-EBOKO depuis le 1er février jusqu'au 31 mars 1970.

Ces derniers devront mettre en pratique leur formation dès la fin du stage.

Pour ce faire Monsieur le Directeur, j'ai l'honneur de solliciter de votre bienveillance, l'affectation de 2 Techniciens Chinois, pour suivre les gars sur le terrain dès que possible.

Cette année, nous avons distribué 979 kg de semences aux riziculteurs, dont 439 kg de variété chinoise. Nous n'avons pas pu donner satisfaction à toutes les demandes.

Avec le retour des stagiaires et l'arrivée souhaitée des Techniciens chinois, nous espérons intensifier encore cette culture dans la région.

Quant à la machine elle-même, elle fonctionne bien, mais il y a des pannes fréquentes à la polisseuse. Les demandes de décoration sont nombreuses ; nous n'arrivons pas à les satisfaire toutes.

Pour le Groupement des Agriculteurs Modernes, nous allons faire une première session de formation les 29 et 30 avril 1970, Session à laquelle nous aimerions avoir l'aide de la Direction de l'Agriculture. Pourrions-nous avoir quelqu'un ? Ces dates vous conviennent-elles ?

En attendant une suite favorable, je vous prie d'agréer, Monsieur le Directeur, l'expression de mes salutations respectueuses.

Le Directeur,

CAMEROON ORIENTAL  
 -----  
 SECRETARIAT D'ETAT AU DEVELOPPEMENT  
 RURAL

REPUBLIQUE FENNER DE DU CAMEROON  
 Paix - Travail - Patrie  
 -----

-----  
 DIRECTOR DE L'AGRICULTURE

-----  
 MISSION AGRICOLE CHINOISE  
 B.P. 28 NANKA-ERORO  
 -----

N° 32 /NAN/1/70/-

L'AGENT DE LIAISON,

à Monsieur LE CHEF DE CIRCONSCRIPTION AGRICOLE DE LA REGION  
 SANAGA

- NANKA-ERORO -

En me référant sur votre lettre n° 70/041/L/CF/CANE du 18 août 1970, j'ai l'honneur de vous adresser comme suit l'état des activités de la ferme et le comportement des membres chinois, objet de votre lettre citée en référence.

Village pionnier :

Depuis que les crues de la Sanaga ont causé des dégâts importants dans les rizières l'année dernière, et qu'aucune précaution n'a été préconisée pour éviter de pareils dommages, le village pionnier a connu un déséquilibre qui va plutôt croissant. L'encadrement technique de la Mission se fait rare. Les trois motoculteurs mis à leur disposition et qui sont exclusivement réparés par la Mission, sont constamment en panne, laquelle panne dure des mois, les pièces de réchange étant introuvables dans le commerce local. Ainsi un autre moyen de labour tel que le labour attelé s'avère nécessaire.

Centre de formation :

Le Centre de formation agricole de la ferme proprement dite connaît aussi une certaine régression, peut-être à cause du sol qui s'épuise de plus en plus par l'apport excessif des engrais chimiques. Toutefois les parcelles de démonstration sont les mêmes. Elles sont bien entretenues par les manoeuvres. Les produits de ces parcelles qui, autrefois étaient vendus pour le compte de l'Etat camerounais sont depuis longtemps pour une destination inconnue. Ces parcelles sont d'ailleurs réparties comme suit :

..../...

- rizière irriguée : 2 hectares, 1 rizière (1 ha) ;
- champ d'ananas : 1,0 hectare,
- jardin potager : 0,20 " " " " " " " " " " " "
- champ bois : 1 hectare " " " " " " " " " "
- porcherie : 10 têtes.

#### Matériel :

Le parc engins de la Mission se compose de :

- 1 tracteur 65 CV pour les labours au centre de formation et quelquefois au village pionnier,
- 1 motoculteur pour le jardin potager,
- 2 véhicules dont 1 "Land Rover" et un camion,
- 1 décortiqueur qui tourne à plein rendement,
- toute une série de machines pour extraction de l'huile d'arachide et de soja. Tous les vieux tracteurs du Vietnam sont hors d'usage.

#### Activités :

Il ya beaucoup d'affaires dans l'ensemble de la ferme. Au village pionnier les années successives des motoculteurs sont un facteur principal de la regression ; au centre de formation, l'effectif très réduit des membres chinois et l'absence du Chef de Mission jouent un grand rôle sur le ralentissement des activités.

#### Comportement :

Le comportement actuel des membres chinois est celui d'une personne découragée, d'une personne dont la noble mission de conquérir l'estime d'un peuple a échoué. De là alors naît une certaine arrogance, les relations entre les membres et les manoeuvres deviennent quelquefois très tendues. Le code de travail est très peu respecté.

#### Conclusion :

En ce qui concerne mes impressions, je constate que les chinois sont prêts à faire de grandes réalisations dans notre pays, mais ils ne sont pas sûrs d'avoir totalement gagné l'estime de notre gouvernement, ainsi ils se réservent.

HANOI, LE 20/8/1970  
L'AGENT DE LIAN'GA.



.NGAH



CAMEROUN ORIENTAL  
SECRETARIAT D'ETAT  
AU DEVELOPPEMENT RURAL

DIRECTION DE L'AGRICULTURE

B. P. 1073 — Tél. : 37-01

Sec Production Agricole

Référence :

Objet :

ANNEXE 6

DAM/AS.-  
REPUBLIQUE FEDERALE DU CAMEROUN  
PAIX — TRAVAIL — PATRIE

Yaoundé, le 21 FEV. 1970 19

N° 0266/70 /AGR./PA

LE DIRECTEUR DE L'AGRICULTURE

à Monsieur LE CHEF DE MISSION AGRICOLE CHINOISE de

-- NANGA-EBOKO --

J'ai l'honneur d'accuser réception des 200 kg de semences de Soja pour lesquelles je vous remercie infiniment.

J'ai également reçu la fiche technique qui accompagne les dites semences. Mais elle ne me donne pas entière satisfaction car la plupart des renseignements concerne la culture de Soja à Taiwan au lieu de la culture à Nanga-Eboko.

Aussi aimerais-je savoir si les semences envoyées sont issues de variétés tardives ou précoces. Comme vous le savez de cette détermination dépend la densité de semis.

Je me résume donc en vous priant de me fournir un calendrier aussi précis que possible de la culture de Soja à Nanga-Eboko résultats de vos travaux. Ceci me permettra de donner des conseils très précis aux agriculteurs qui veulent pratiquer cette culture.

Pour le moment les deux cents kilos de semences suffisent largement mais je pense que dans un proche avenir la demande va augmenter.

Je vous prie de croire Monsieur le Chef de Mission à ma parfaite considération./-

Le Directeur de l'Agriculture,



J.B. YONKE

st' avril - June  
nd aug. - oct.

28/2/70

## APPENDIX 10

Ordinance no. 71-1 of July 1974 to Establish the Rules Governing land Tenure

Mindful of the Constitution of 2 June 1972,

Mindful of Law No. 73-3 of 9 July 1973 authorizing the President of the republic to establish by ordinance rules governing land tenure and Government owned landed properties.

THE PRESIDENT OF THE REPUBLIC HEREBY ORDAINS AS FOLLOWS

### PART I

#### GENERAL PROVISIONS

1. (1) The guarantees to all natural persons and corporate bodies having landed property the right to freely enjoy and dispose of such lands.
- (2) The state shall be the guardian of all lands. It may in this intervene to ensure rational use of land or in the imperative interest of defense or the economic policies of the nation.
- (3) The terms and conditions of such intervention shall be fixed by decree.

### PART II

#### PRIVATE PROPERTY

The following categories of land shall be subject to the right of private property:

Registered lands;

Freehold lands;

Lands covered under the transportation system;

Lands covered by a final concession;

Lands entered in the Grundbuch

- (1) When the present Ordinance enters into force, the holder of the rights flowing from the deeds referred to in Article 2( b),c) d) and e) shall lodge the said deeds at the provincial or Divisional Lands Service for publication in the land registers.
  - (2) Failing such publications, no deed to establish, amend or transfer real property rights to the lands in question may be transcribed or opposed to the third parties.
- (1) (Ordinance no. 77-1 of 10<sup>th</sup> January 1977) The holder of the land register books or certificates of occupancy relating to land in urban areas shall be bound, under penalty of forfeiting their rights, to convert the said books or certificates into land certificates within a

period of ten years as from the 5 August 1974, the date of publication of ordinance No.1 of 6 July 1974; the said time limit shall be extended to 15 years for land in rural areas

- (3) Provided that certificates of occupancy issued to natural persons of foreign nationality and corporate bodies may be covered only after examination of each specific case.
- (1) (Ordinance No. 77- 10<sup>th</sup> January 1977) holders of final judgments to establish or transfer interest in realty in urban centers shall also under penalty of forfeiture, notify the competent Land Service with a period of ten years from the 5 August 1974, the date of publication into land certificates: the said time limit shall be extended to 15 years for land in rural areas.
- (2) Provided that when such judgments relate to lands occupied in good faith, the occupants shall in the event of sale of the said lands have a preferential right to be exercised within the framework of the development of the area in question.
- (3) All landed property cases pending before the courts and introduced outside the scope of the registration procedure shall fall within the jurisdiction of the boards provided for Article 16 below. The dossiers relating to such cases shall be transferred to the said board when the present Ordinance enters in force.
- (1) Applications for land certificates and certificates of occupancy in progress on the date on which the present Ordinance enters in force shall proceed to completion in accordance with the regulations in force.
- (2) Certificates of occupancy issued in pursuance of the present articles shall be converted into land certificates under the conditions laid down in article 4 above.
- (1) The terms and conditions of issue of land certificates, and the rules relating to the cancellation of the same, shall be fixed by decree.
- (2) Regulations relating to liens and mortgages, the permutation of charge, and distraint of real property, shall be fixed by law.
- (1) Deeds to establish transfer or extinguish real property rights shall be drawn by notary, under penalty of being null and void.
- (2) Assignments and leases of urban or rural lands which are not registered in the name of the seller or lessor shall be, null and Void.
- (3) The parties thereto and the notaries and court registrars who draw up such deeds shall further be punishable with a fine of 25000 to 100000frs or with imprisonment of 15 days to 3years, or with both such fine and imprisonment.
- (4) The same penalties apply to;
- (1) Persons selling or leasing one and the same land to two or more persons;

- 2) Persons effecting sales or leases of lands belonging to others not being so empowered;
- 3) Notaries and court registers who assist the above mentioned persons or who draw up deeds of land situated outside the territorial jurisdiction of their chambers;
- 4) Persons who use or occupy land which does not belong to them, without the authorization of the person who is qualified to give it. In such cases, the court shall order the eviction of the occupation at this expense.

Subject to the laws and regulations relating to town planning, hygiene and policing, owners may on their lands exploit quarries as defined by mining regulations.

(Ordinance No. 77-1 of 10<sup>th</sup> January 1977) (1) Natural persons and corporate bodies of foreign nationality or incorporation wishing to invest in Cameroon may conclude lease agreements or purchase landed property, except in the border areas.

- 2) Deeds drawn up for this purpose shall bear the prior approval of the Minister in charge of Lands, under the penalty of being null and void

- 3) In events of resale, the state shall have a preemptive right of purchase over the property taking account of the initial price, developments carried out and amortization. Within the frame work of the development to renovation of urban centers, existing blocks of parcel may be reapportioned. The fragmentation and reapportionment procedure shall fixed by decree.

- (1) The state may apply the expropriation procedure for purpose in the general interest

- (2) The said procedure shall be applied directly, for purposes of public, economic or social utility, or indirectly at the request of local councils, public establishments and public service concessionaires, when no joint settlement between the bodies in the question and the owners has been achieved.

- (3) The expropriation procedure and the terms and Conditions of compensation shall be fixed by the separate enactments

- (1) The bodies on whose behalf expropriation is applied shall compensate the dispossessed persons from their budget

- (2) No compensation shall be payable for the destruction of dilapidated buildings liable to collapse or buildings erected contrary to town planning regulations.

- (3) All proceedings relating to real property taken against the state for reparations of damages occasioned to communities or individuals by the application of enactments prior to the date on which the present Ordinance enters on to force.

- (4) There shall be the review of compensation for expropriation or eviction granted to the date on which the present Ordinance enters into force.

## NATIONAL LANDS

- (1) National lands shall as of right comprise lands which, at the date on which the present Ordinance enters in to force, are not classed in to 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 above.
- (3) In the event of forfeiture as provided for in Article 4 and 5 of the present Ordinance or of non-completion of the procedure referred to in article 6, the land in question shall be incorporated as of right in the national lands

National land shall be divided in to two categories:

- (1) Lands occupied with houses, farms, plantations and grazing lands manifesting human presence and developments.
  - (2) Land free of any effective occupation.
- (1) National lands shall be administered by the state in such a way as to ensure rational use and development thereof.
  - (2) Consultative boards presided over by the administrative authorities and necessarily comprising representatives of the traditional authorities shall be established for this purpose.
  - (3) National lands shall be allocated by grant, lease or assignment on conditions to be prescribed by decree.
  - (4) Provided that customary communities members thereof, and any other person of Cameroonian nationality, peacefully occupying or using Lands in Category 1 As in article 15, 5 August 1974, the date of entry into force of the present Ordinance, shall continue to occupy or use the said lands. They may apply for land certificates in accordance with the terms of the decree provided for in Article 7
  - (5) Subject to the regulations in force, hunting and fruit picking rights shall further be granted to them on lands in category 2 as defines in article 15, until such time as the state has assigned the laid lands to specific purpose.

(1) Ordinance No. 77-1 of 10<sup>th</sup> January 1977 The state may classify portions of land in the private property of the state or in that of other public bodies for the purposes of public, economic and social utility.

(2) Ordinance no. 64-Lf-25 of 13 November 1964 to provide the regulations governing the methods of acquiring land accredited diplomatic and consular missions in the Federal Republic of Cameroon is hereby repealed.

(3) This ordinance shall be registered and published according to the procedure of urgency and inserted in the Official Gazette of the United Republic of Cameroon in French and English.

#### PART IV:

#### TAXATION ON LAND PROPERTY

(1) The following landed property transactions shall be subject to the allocation of fees:

- Establishing land certificates
- Miscellaneous entries in the land register
- Issue of statements of entries in the land register or of miscellaneous certificates at the request of corporate bodies
- Topographical, topometric and surveying work

(2) The rates of such fees shall, where applicable, be fixed by the Finance Laws

The revenue referred to in article 19 above shall be collected by land revenue collectors against collection orders established by the competent lands and survey services.

The officials empowered to record offences against the present ordinance shall be appointed by the Minister in charge of Lands.

The present ordinance, which repeals provisions repugnant hereto together with the decree-law of 9 January 1963 and the land and native right ordinance of 1 January 1948, shall be registered, published in the official Gazette in French and English and enforced as a law of the United Republic of Cameroon

Yaounde, 06 July 1974

EL HADJ AHMADOU AHIDJO

President of the Republic

## APPENDIX 11 : DECRET D'ACQUISITION DU BAIL EMPHYTEOTIQUE

REPUBLICQUE DU CAMEROUN	PAIX – TRAVAIL – PATRIE																														
<p style="margin-top: 20px;">2006/087</p> <p>DECRET N° _____ DU 11 MARS 2006</p> <p>autorisant la conclusion d'un bail emphytéotique sur huit (08) dépendances du domaine national avec la Société Sucrière du Cameroun (SOSUCAM).</p> <p style="text-align: center;"><b>LE PRESIDENT DE LA REPUBLIQUE,</b></p> <p>VU la Constitution ;</p> <p>VU la loi de finances n° 90/001 du 29 juin 1990 fixant la redevance de base des concessions des dépendances du domaine national ;</p> <p>VU l'ordonnance n° 74/1 du 06 juillet 1974 fixant le régime foncier, modifiée par celle n° 77/1 du 10 Janvier 1977 ;</p> <p>VU le décret n° 76/166 du 27 avril 1976 fixant les modalités de gestion du domaine national ;</p> <p>VU le décret n° 2004/320 du 8 décembre 2004 portant organisation du Gouvernement,</p> <p style="text-align: center;"><b><u>DECRETE :</u></b></p> <p><b>Article 1<sup>er</sup>.</b>- (1) Est autorisée, à compter de la date de signature du présent décret, la conclusion avec la <b>Société Sucrière du Cameroun ( SOSUCAM) BP 857 YAOUNDE</b>, d'un bail emphytéotique sur huit dépendances du domaine national d'une superficie globale de <b>11.980 ha</b> sises à MBANDJOCK, NKOTENG et LEMBE-YEZOOM, arrondissements de MBANDJOCK et de NKOTENG, département de la HAUTE-SANAGA, et dont les limites et les coordonnées sont présentées ainsi qu'il suit :</p> <p style="margin-left: 40px;"><b>1 - Parcelle de 1000 ha sise à MBANDJOCK, au lieu-dit village BIBOTO :</b></p> <ul style="list-style-type: none"> <li>- au nord par la rivière MIALA ;</li> <li>- au sud par le domaine national ;</li> <li>- à l'est par le domaine national ;</li> <li>- à l'ouest par la zone de NDO, et la rivière DJA.</li> </ul> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 20px;"> <thead> <tr> <th style="text-align: center;">Points</th> <th style="text-align: center;">Longitude</th> <th style="text-align: center;">Latitude</th> </tr> </thead> <tbody> <tr><td style="text-align: center;">B1</td><td style="text-align: center;">822928.21</td><td style="text-align: center;">487121.62</td></tr> <tr><td style="text-align: center;">B2</td><td style="text-align: center;">823709.29</td><td style="text-align: center;">486756.32</td></tr> <tr><td style="text-align: center;">B3</td><td style="text-align: center;">823709.25</td><td style="text-align: center;">486227.27</td></tr> <tr><td style="text-align: center;">B4</td><td style="text-align: center;">824200.49</td><td style="text-align: center;">485635.27</td></tr> <tr><td style="text-align: center;">B5</td><td style="text-align: center;">824716.94</td><td style="text-align: center;">485446.36</td></tr> <tr><td style="text-align: center;">B6</td><td style="text-align: center;">825245.97</td><td style="text-align: center;">485421.09</td></tr> <tr><td style="text-align: center;">B7</td><td style="text-align: center;">825737.24</td><td style="text-align: center;">485761.26</td></tr> <tr><td style="text-align: center;">B8</td><td style="text-align: center;">825938.83</td><td style="text-align: center;">486340.71</td></tr> <tr><td style="text-align: center;">B9</td><td style="text-align: center;">826619.05</td><td style="text-align: center;">486517.04</td></tr> </tbody> </table>		Points	Longitude	Latitude	B1	822928.21	487121.62	B2	823709.29	486756.32	B3	823709.25	486227.27	B4	824200.49	485635.27	B5	824716.94	485446.36	B6	825245.97	485421.09	B7	825737.24	485761.26	B8	825938.83	486340.71	B9	826619.05	486517.04
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B1	822928.21	487121.62																													
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B10	827173.32	486517.02
B11	828118.04	486277.69
B12	828244.07	485874.63
B13	827614.16	485584.91
B14	827311.89	485156.59
B15	826845.82	485156.64
B16	826417.49	485169.24
B17	826190.81	484866.85
B18	826291.57	483846.52
B19	826203.32	483090.76
B20	825699.52	482964.72
B21	825094.87	483317.43
B22	824439.87	483934.70
B23	824301.31	484426.03
B24	824502.83	484854.27
B25	824301.26	485093.55
B26	823570.67	485270.00
B27	822827.50	485194.40
B28	823041.57	484539.33
B29	822512.53	483821.30
B30	821693.78	483871.71
B31	821164.67	484841.64
B32	821341.04	485572.25
B33	821895.28	486517.05

2 - Parcelle de 1600 ha sise à MBANDJOCK, au lieu-dit Village NDO :

- au nord par le domaine national exploité par la SOSUCAM ;
- au sud par le domaine national ;
- à l'est par le domaine national ;
- à l'ouest par la zone BIBOTO.

Points	Longitude	Latitude
N1	822268.30	488380.35
N2	822686.35	487809.00
N3	823709.29	486756.32
N4	824200.49	485635.27
N5	825542.59	485621.48
N6	826190.81	484866.85
N7	826698.32	483192.21
N8	827993.57	482422.82
N9	827827.69	482026.80
N10	828036.65	481525.12
N11	827033.55	480967.78
N12	826531.89	478599.19



3

N13	826322.94	478529.54
N14	826350.73	478153.32
N15	826099.92	478306.53
N16	826099.96	478641.02
N17	826072.08	478752.48
N18	825246.05	478568.32
N19	824386.17	480103.92
N20	824386.16	480995.68
N21	824553.38	481023.56
N22	825363.82	480350.32
N23	825960.45	480464.42
N24	825772.02	481323.80
N25	824915.65	482319.39
N26	824525.53	481817.81
N27	824217.68	482100.95
N28	824260.74	482486.51
N29	824806.40	482901.70
N30	825222.44	482768.28
N31	825319.70	483183.17
N32	824578.71	483741.66
N33	824301.31	484426.03
N34	824502.83	484854.27
N35	823570.67	485270.06
N36	822827.50	485194.40
N37	823041.57	484539.33
N38	822512.53	483821.30
N39	821693.78	483871.71
N40	821164.67	484841.64
N41	821432.72	485823.07
N42	821901.84	486716.96
N43	822423.66	487396.80

**3 - Parcelle de 3200 ha sise à NKOTENG-district de LEMBE-YEZOUM,  
au lieu-dit village SIMBANE :**

- au nord par le domaine national ;
- au sud par le domaine national ;
- à l'est par le domaine national ;
- à l'ouest par le domaine national.

Points	Longitude	Latitude
S1	844626.09	483664.58
S2	844937.12	483207.01
S3	844077.01	482273.70

4

S4	843436.57	482017.58
S5	844479.66	481230.58
S6	844190.63	478274.71
S7	843314.60	477217.84
S8	842146.39	476327.85
S9	840867.02	476160.97
S10	841353.71	476911.91
S11	839593.38	478082.95
S12	838475.10	479651.42
S13	838572.47	480332.91
S14	841298.13	482557.88
S15	842535.79	483197.58
S16	844095.32	483627.97

**4 - Parcelle de 900 ha sise à NKOTENG, au lieu-dit MESSASSA-District de LEMBE-YEZOOM :**

- au nord par le domaine national ;
- au sud par le domaine national ;
- à l'est par le domaine national, et la rivière NIA ;
- à l'ouest par le domaine national.

Points	Longitude	Latitude
M1	833328.49	481549.88
M2	834494.24	481083.55
M3	834896.83	480575.53
M4	835568.84	479656.71
M5	835385.68	478299.45
M6	835637.38	477736.60
M7	835248.51	476969.17
M8	835335.63	476351.42
M9	835577.67	475981.68
M10	835733.38	475665.72
M11	835577.62	475460.54
M12	833388.18	474486.26
M13	833127.62	475048.54
M14	832985.56	475542.75
M15	832752.48	475899.36
M16	832414.49	476090.85
M17	832373.34	476666.94
M18	832496.78	477572.08
M19	833232.49	478217.20
M20	833863.36	477888.07
M21	833808.44	478765.73

M22	833895.60	479286.32
M23	833643.85	479725.75
M24	833424.50	480233.28
M25	832958.16	480768.05
M26	833040.45	480973.82
M27	832916.97	481152.09

**5 - Parcelle de 550 ha sise à NKOTENG, au lieu-dit village MVAN :**

- au nord par l'emprise de la route nationale n° 1 et le domaine national ;
- au sud par le domaine national ;
- à l'est par la zone de OUASSA BABOUTE ;
- à l'ouest par une zone réservée aux populations et l'emprise de la route nationale n° 1.

Points	Longitude	Latitude
m1	850726.03	504139.00
m2	850823.17	503698.15
m3	850800.74	503212.49
m4	851286.47	502525.13
m5	850897.88	502162.76
m6	850419.73	502132.77
m7	850001.32	501804.03
m8	849836.90	501445.40
m9	850075.97	500810.33
m10	849911.66	500399.34
m11	849920.52	499996.19
m12	850247.29	499863.98
m13	850588.00	499718.00
m15	850845.24	499147.87
m16	851387.61	499182.55
m17	851630.94	498640.26
m18	851582.27	498438.67
m22	851763.11	497757.17
m23	851686.53	497611.15
m24	851262.42	497562.48
m25	850900.82	497527.71
m26	850817.37	497451.29
m27	850678.25	497792.00
m28	850441.92	498049.25
m29	850240.39	498559.40
m30	850061.03	496977.86
m31	849717.35	499426.17
m32	849493.22	499844.55

6

m33	849044.96	500088.67
m34	848670.24	500217.94
m35	849044.96	500088.67
m36	849103.74	501425.06
m37	849138.55	501749.91
m38	846988.78	501880.44
m39	849204.27	502221.13

**6 - Parcelle de 2475 ha sise à NKOTENG, au lieu-dit village OUASSA :**

- au nord par l'emprise de la route nationale ;
- au sud par la zone ELAP ;
- à l'est par le village OUASSA et la rivière NIA ;
- à l'ouest par une zone réservée aux populations et la zone de MVAN.

Points	Longitude	Latitude
W1	851129.51	504549.94
W2	851144.53	504467.76
W3	851884.20	503130.34
W4	852198.08	500537.61
W5	853617.63	499730.66
W6	853767.11	499491.52
W7	853774.63	499043.18
W8	854227.48	498718.47
W9	854224.58	498415.44
W10	853931.49	497421.75
W11	853774.64	496981.00
W12	853296.43	496801.68
W13	852855.51	496633.58
W14	852526.74	496301.03
W15	852399.75	496196.41
W16	851645.15	496159.05
W17	851271.54	496584.98
W18	851622.73	496693.33
W19	851876.73	496741.82
W20	852056.09	496734.40
W21	852018.75	496917.46
W22	852115.89	497010.87
W23	852736.01	496902.53
W24	852810.75	497063.15
W25	852661.25	497563.79
W26	852257.82	497870.14
W27	851973.82	498154.09
W28	852003.73	498990.95

7

W29	851413.53	499558.75
W30	849896.74	500175.21
W31	849911.66	500399.34
W32	850075.97	500810.33
W33	849836.90	501445.40
W34	850001.32	501804.03
W35	850419.73	502132.77
W36	850897.88	502162.76
W37	851286.47	502525.13
W38	850987.58	502838.90
W39	850800.74	503212.49
W40	850823.17	503698.15
W41	850726.03	504139.00
W42	851002.54	504393.06

**7- Parcelle de 495 ha sise à NKOTENG, au lieu-dit village ELAP :**

- au nord par la zone de OUASSA ;
- au sud par le domaine national ;
- à l'est par le domaine national ;
- à l'ouest par le domaine national.

Points	Longitude	Latitude
E1	853319.42	496778.19
E2	853396.57	496387.28
E3	853504.69	496078.54
E4	853504.65	495677.23
E5	853453.23	495569.28
E6	853242.28	495275.99
E7	852789.48	494998.13
E8	852763.80	494926.18
E9	852110.41	494555.69
E10	851760.59	495363.45
E11	851647.45	496166.03
E12	851920.07	496202.08
E13	852424.28	496202.05
E14	852830.66	496598.16

**8 - Parcelle de 1760 ha sise à NKOTENG, au lieu-dit village EBOMETENDE :**

- au nord par le domaine national ;
- au sud par le domaine national ;

- à l'est par la zone du Groupement de SIMBANE ;
- à l'ouest par une zone réservée aux populations.

Points	Longitude	Latitude
01	835308.44	481758.14
02	835905.39	481548.55
03	836577.32	480903.92
04	837180.18	480711.97
05	837647.12	480684.51
06	837893.92	480324.53
07	837852.79	479830.78
08	839013.33	478635.09
09	839210.23	478194.75
010	839238.07	477348.39
011	839114.54	476981.60
012	837798.00	475527.80
013	837111.13	475200.18
014	836467.85	475282.20
015	835617.30	476076.37
016	835548.67	476402.08
017	836001.26	477883.27
018	835781.80	478637.64
019	835905.26	479721.14
020	835831.56	480036.56
021	835727.01	480365.76
022	835000.08	480928.05
023	835096.10	481284.64
024	835150.96	481654.89

(2) Ledit bail sera conclu entre l'Etat du Cameroun représenté par le Ministre des Domaines et des Affaires Foncières et la Société Sucrière du Cameroun (SOSUCAM) représentée par son Président-Directeur Général.

**Article 2.-** Les terrains décrits à l'article 1<sup>er</sup> ci-dessus sont destinés à l'extension des champs de canne à sucre de la SOSUCAM.

**Article 3.-** (1) Le bail sera conclu moyennant une redevance annuelle de 77.354.860 (soixante dix sept millions trois cent cinquante quatre mille huit cent soixante) francs CFA révisable tous les cinq (5) ans et payable au cours du mois de janvier de chaque année à la recette des Domaines de la HAUTE-SANAGA à NANGA-EBOKO, et répartie de la manière suivante : 40% à l'Etat, 40% aux communes de MBANDJOCK, de NKOTENG et LEMBE-YEZOOM, et 20% aux collectivités villageoises intéressées pour des réalisations d'intérêt général.

(2) Cette redevance est ventilée selon le tableau ci-après :

N°	LIBELLES	MONTANT
1	Trésor Public	30.941.944 F CFA
2	Commune de MBANDJOCK	6.715.280 F CFA
3	Commune de NKOTENG	13.637.184 F CFA
4	Commune de LEMBE-YEZOUM	10.589.480 F CFA
5	Collectivités de NDO	2.066.240 F CFA
6	Collectivités de BIBOTO	1.291.400 F CFA
7	Collectivités de SIMBANE	4.132.480 F CFA
8	Collectivités de MESSASSA	1.162.260 F CFA
9	Collectivités de EBOMETENDE	2.272.864 F CFA
10	Collectivités de MVAN	710.270 F CFA
11	Collectivités du village OUASSA	3.196.215 F CFA
12	Collectivités de ELAP	639.243.F CFA
<b>Total</b>		<b>77.354.860 F CFA</b>

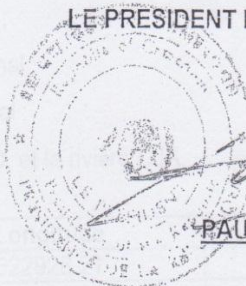
**Article 4.-** Il est alloué aux personnes victimes des travaux d'extension de la SOSUCAM, une indemnité de **186.659.150** (cent quatre vingt six millions six cent cinquante neuf mille cent cinquante) francs CFA.

**Article 5.-** La dépense correspondante sera imputée sur le budget de la SOSUCAM et payée aux bénéficiaires par les soins de la commission d'évaluation.

**Article 6.-** Le présent décret sera enregistré, puis publié au Journal Officiel en Français et en Anglais./-

Yaoundé, le 31 MARS 2008

LE PRESIDENT DE LA REPUBLIQUE,



PAUL BIYA

## APPENDIX 12

### Questions générales

- 1) Etes-vous un autochtone du département de la haute Sanaga?  oui  Non
- 2) Avez-vous un terrain dans cette localité?  Oui  Non
- 3) Si oui Le terrain a-t-il un titre foncier?  Oui  Non
- 4) Y a-t-il des compagnies qui ont acquis de terrain dans cette zone?  Oui  Non
- 5) Si oui pouvez-vous identifier quelques une \_\_\_\_\_
- 6) Quelle est la relation entre les compagnies et la communauté? \_\_\_\_\_
- 7) Avant l'arrivée des compagnies qui était propriétaire des terres sur lesquelles ils travaillent actuellement? A La merie B les autochone C Le chef D aucune idee
- 8) Est-ce qu'une communauté a été déplacée du terrain source/ initial pour l'acquisition des terre à grande échelle?  Oui  non
- 9) La campagne a-t-il acheté le terrain?  Oui  non aucune idee
- 10) Ya-t-il des elite impliqués dans l'acquisition des terres a grande échelle?  
 Oui  non
- 11) Si oui pouvez-vous identifier quelques une? \_\_\_\_\_
- 12) Quelle activités menent-ils ssur cette terre? \_\_\_\_\_
- 13) Sais\_tu s'ils ont saisi lur terre des autochtones ou si les terres lurs ont été données par le gouvernement ou le chef? \_\_\_\_\_
- 14) Quelle est la relation/ quelle relation existe-il entre la campagne et la population rurale? \_\_\_\_\_
- 15) A votre opinion le concept d'acquisition de Terre a grand impact sure les comminutes rural  
 Oui  Non  
Si oui pourquoi? \_\_\_\_\_  
Si non pourquoi? \_\_\_\_\_

Merci pour votre collaboration.



## **INTERVIEW GUIDE**

### **TO STATE OFFICIALS**

- 1) Why is the government interested in large scale land acquisition?
- 2) Does the government protect the rights of the communities?
- 3) What kind of land is made available for large scale acquisition? Private land, public land or national land?
- 4) What has been the community response on large scale land acquisition?
- 5) Does the administration seek the consent of the local population before deciding on the specific land to acquire?
- 6) Are the rights of the communities taken into consideration when granting land concessions?
- 7) Are the communities involved in the negotiations?
- 8) To your opinion does large scale land acquisition contribute to the development of the rural community?

**THANK YOU FOR YOUR COLLABORATION**

### **INTERVIEW GUIDE TO INVESTORS**

- 1) What is the name of your Company?
- 2) Why did the company choose to locate in upper sanaga division?
- 3) How many hectares of land does the company occupy?
- 4) Has it led to the displacement of the local communities?
- 5) Are the communities involved in the activities of the company?
- 6) What relationships exist between the community and the company?
- 7) In what ways do you think the investments in this community are a win-win situation?

**THANK YOU FOR YOUR COLLABORATION**

### **INTERVIEW GUIDE TO POLITICAL ELITES**

- 1) Are you an indigene of this community?
- 2) What motivated you to acquire vast tracts of land?
- 3) What activity do you carry on the land?
- 4) Does the land have a land title?

- 5) Did you buy it from individuals or you were given the land
- 6) How is your relationship with the **communities**
- 7) Have you employ community members to work and how is their working conditions
- 8) In your opinion what are the contributions to the development of the rural community

**THANK YOU FOR YOUR COLLABORATION**

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### LIST OF INFORMANTS

NO	NAME	OCCUPATION	AGE	PLACE	DATE
1	Abanda Allo	Community leader	50	Mbanjock	13July 2020
2	Abanda Aserne	Community leader	81	Minta	19 may 2019
3	Abanda Marc	Community leadar	45	NangaEboko	4 June 2020
4	Abanda Joseph	MINADER	46	NangaEboko	06 July 2020
5	Abanda Vincent	Farmer	40	Bibey	20 Sept2020
6	Abdou Adamou	Teacher	45	Mbanjock	12july 2020
7	Abe Jean pierre	Famer	35	NangaEboko	14June 2020
8	Abolo Jean Liouis	Trader	45	Mbanjock	8July2020
9	Abomo fama Margueritte	farmer	50	Minta	5 oct 2020
10	Abondo Evina	farmer	35	Minta	5oct2020
11	Allo Abdou	Farmer	50	Mbanjock	6 July2020
12	Amdiga Avom	Teacher	49	NangaEboko	3June 2020
13	Amidou Safsaf	chief	55	Nsem	5August2020
14	Andjama Angelique	Farmer	56	Minta	5 Oct 2020
15	Angueng Suzanne	Farmer	40	NangaEboko	14June2020
16	Angoula Adriene	Farmer	50	NangaEboko	12 june 2020
17	Anonym	chief	55	NangaEboko	12 June2020
18	Assamba Ebeng	Farmer	54	Mbanjock	10July2020
19	Ambara Martin	SOSUCAM	50	Mbanjock	25July2020
20	Atangana Samuel	Forner worker CENEMA	75	Nanga Eboko	3August2019
21	Avom Dagobert	Teacher	40	Nkoteng	21 July2020
22	Avom Guillaume	Farmer	48	Nkoteng	10 July2020
23	Avom Rigobert	Farmer	58	Nkoteng	10July2020
24	Aye Francois	Farmer	50	Minta	6 Oct2020
25	Ayissi Baudouin	Farmer	51	Nsem	6August2020
26	Bagnolok Pauline	Farmer	49	Bibey	10 Sept 2020
27	Bambou Jean Marie	Farmer	43	Bibey	10 Sept2020
28	Bang Solomon	Carpenter	40	Minta	6Oct2020
29	Bea Issabelle	Farmer	50	NangaEboko	12June2020
30	Bebogo Nang	Farmer	50	Nkoteng	10july2020
31	Beke Rogers	Farmer	46	NangaEboko	12 June 2020
32	Bekono Adams	Contacteur	50	mint	12oct 2020

33	Bekono Joseph	communityleader	54	Bibey	11 sept2020
34	Bekono Samuel	Teacher	38	Bibey	11sept2020
35	Beli Threse	Trader	39	Bibey	11sept2020
36	Beliki Christaine	Farmer	45	Nsem	12 August20
37	Belomo vitalime	MINADER	46	bibey	20 Sept2020
38	Bessala Manuella	SOSUCAM	47	Nkoteng	10july2020
39	Beyem Justin	MINADER	40	Yaounde	10 Nov2019
40	Bidima Eugene	Farmer	45	NangaEboko	12june2020
41	Bike Etoh Jacqueline	MINADER	40	Yaounde	10Nov 2020
42	Bike Eton	Farmer	65	Mbanjock	15 july2020
43	Bilibi Germaine	Farmer	61	Nkoteng	20July2020
44	Bina Bidang	chief	60	Bibey	2sept 2020
45	Bina Joseph Theodore	Farmer	30	NangaEboko	10june 2020
46	Bina Ndouma	Farmer	45	Nanga Eboko	10June2020
47	Biting Françoise	Chief	45	Mbanjock	20 july2020
48	Biyoo Olinga	Farmer	50	Mbanjock	20 July2020
49	Bokono Clarisse	Farmer	45	NangaEboko	25 june2020
50	Buila Ombock Chii Lii Huo	IKO/CATAC	40	NangaEboko	7 June2020
51	Chuffu Martins	SOSUCAM	38	Mbanjock	20 July2020
52	Ebobo Joseph	Farmer	45	Nsem	8July2020
53	Ebodji Simon	IKO/CATAC	50	Nanga Eboko	7 June2020
54	Eboko Calvin	Farmer	55	NangaEboko	13 june 2020
55	Eboko Joseph	Retired police	77	Nkoteng	10July 2020
56	Ebong Jean Pierre	Chief	63	Minta	5 oct2020
57	Eboo Ekani	Farmer	50	Nsem	10 August20
58	Ebwang Jean	Trader	40	NangaEboko	12june2020
59	Ejah Mbah	Farmer	45	NangaEboko	12june2020
60	Ekanga Ekanga	Teacher	50	Minta	6 oct 2020
61	Ekanga Edmon	Farmer	42	NangaEboko	19August2020
62	Ekouma Jean	Farmer	40	Mbanjock	10July2020
63	Emeke Valentin	Farmer	30	Nsem	12 August20
64	Emoh Emoh Sandrine	Farmer	45	Minta	10 Sept2020
65	Engoulou Bitti	Farmer	50	NangaEboko	15june2020
66	Epock Nicaise	Farmer	45	NangaEboko	15June2020



67	Epon Ebok Rachele	Farmer	50	NangaEboko	10june2020
68	Essam mbiyekam	Farmer	40	NangaEboko	10June2020
69	Essam Miyekang	IKO/ CATAC	50	NangaEboko	3june2020
70	Eto'o Romain Roland	Mayor	68	NanagEboko	16june2020
71	Etolo Zanga	Farmer	45	Minta	8 oct2020
72	Etong Claire	Farmer	50	Minta	8oct2020
73	Etong Claire	Farmer	40	NangaEboko	11june2020
74	Etoo Bruno	Farmer	50	Mbanjock	15 july 2020
75	Euster Rene	SOSUCAM	40	Nkoteng	22 July2020
76	Faa Joseph Embolo	Communityleader	70	NangaEboko	12 June2020
77	Fon Nsoh	COMISIUD	42	Yaounde	19Jauary 2019
78	Ipan Julienne	Farmer	45	NangaEboko	13June2020
79	Jaff Napoleon	RELUFA	45	Yaounde	23 June 2018
80	Jekoko Jean Ernest	SOSUCAM	45	Mbanjock	15 july2020
81	Kanga Desire	Farmer	45	Mbanjock	15july2020
82	Kara Mengolo	Trader	50	NangaEboko	15 june2020
83	Koakoa Mamadou	Trader	45	NangaEboko	16 june2020
84	Kongo Bessala	Farmer	40	NangaEboko	17 june 2020
85	Konia Jean Pascal	Farmer	45	Nanga Eboko	17 June2020
86	Kouemo joseph	Farmer	40	NangaEboko	17 june 2020
87	Kputayou Mama	Farmer	61	NangaEboko	20 june 2020
88	Lika Salome	Farmer	45	NangaEboko	20 june 2020
89	Lomo Biloa Rapheal	Farmer	48	Nkoteng	12 july 2020
90	Longene Patrick	SOSUCAM	35	Nkoteng	14July 2020
91	Mama jean Marie	Senator	70	Yaounde	4 Jan 2019
92	Mangbing Julienne	Farmer	65	NangaEboko	15 June2020
93	Manga Micheal	Trader	40	Nanga Eboko	15June2020
94	Mangwa Emmanuel	Teacher	69	NangaEboko	19 ugust 2019
95	Mbaga Emile	Farmer	48	Minta	10 Oct2020
96	Mbandang Didier	Iko / CATAC	30	NangaEboko	14June 2019
97	Mbeck Jeannette	Farmer	65	NangaEboko	14 June 2020
98	Mbeck joseph	Chief	75	Nanga Eboko	14June2020
99	Mbeck Julienne	Famer	42	NangaEboko	20July2020
100	Mbeck Philimon	Farmer	50	NanagaEboko	14 June2020

101	Mbella Marie	Farmer	38	Bibey	5sept2020
102	Mbida Akono Aime'	MINCAF	55	Yaounde	2Sept2020
103	Mbolong Gabriel	Teacher	38	Minta	10 Oct 2020
104	Mbonesso Joseph	MINADER	40	Minta	10 Oct2020
105	Mbot Delphine	Farmer	65	NangaEboko	15 june 2020
106	Meng Missina	Farmer	40	NangaEboko	7August2019
107	Mengang Gregoire	MINADER	45	Mbanjock	25 july2020
108	Messengu Eavom B.	Chief	50	Mbanjock	10July2020
109	Midong Denis	Farmer	45	NangaEboko	15 June2020
110	Mindang Denis	Farmer	40	NangaEboko	15June2020
111	Minkinda Samuel	Chief	48	NangaEboko	14 june 2020
112	Mong Ekom	Farmer	50	Minta	10 Oct2020
113	Mout jean claude	Farmer	40	Nsem	4August2020
114	Mpomang Samba	Farmer	26	Bibey	5 sept2020
115	Mveke Yemsel	Farmer	40	Mbanjock	10 July2020
116	Nang Andre	Soldier	43	Mbanjock	12July2020
117	Nang Bidoung	Farmer	55	NangaEboko	18June2020
118	Nang Jean Marie	Farmer	58	NangaEboko	14June2020
119	Nang Jean Claude	Farmer	65	NangaEboko	14June2020
120	Nang Kouayep Prosper	RELUFA	35	Yaounde	26June2018
121	Nanga Sodora Debora	SOSUCAM	38	Mbanjock	25july2020
122	Nanga OLINGA	Chief	65	Mbanjock	20July 2020
123	Ndema Gisselle	Trader	35	Bibey	8Sept2020
124	Ndji Magloire	Farmer	44	Mbanjock	18July2020
125	Ndjo Emmanuel	Chief	52	Bibey	8 Sept 2020
126	Ndjock Dominique	SOSUCAM	48	Nkoteng	25July2020
127	Ndjock Germaine	SOSUCAM	40	Nkoteng	25July2020
128	Ndjock Pascal	Farmer	52	NangaEboko	18june2020
129	Ndombo Jacques	Farmer	50	NangaEboko	18June2020
130	Ndomgue Herbert	Farmer	42	Bibey	8Sept2020
131	Ndongo Williams	Technician	40	Mbanjock	20July2020
132	Ndoum Polycarpe	Farmer	45	NangaEboko	20 June2020
133	Ndouma Joseph	Farmer	40	NangaEboko	20June2020
134	Ndouma Mbolong	IKO/CATAC	42	NanagEboko	20June2020

135	Ndukong Devine	MINADER	36	NangaEboko	15 june2020
136	Nforgang Ernest Ngwa	MINDAF	50	Yaounde	3 Jan 2020
137	Ngei Essam	Worker Iko	49	NangaEboko	7August2020
138	Ngengue Didier	MINDAF	45	Yaounde	3jan2020
139	Ngengue Ruben	NUDICAM	40	Mbanjock	20June2020
140	Ndongo Gilbert	Chief	70	Nanga Eboko	13June2020
141	Ngondo Chana	Farmer	45	Nsem	12 August 2020
142	Ngon Joseph	Farmer	50	NangaEboko	20June 2020
143	Ngon Severin	Farmer	40	NangaEboko	15 June 2020
144	Ngongo Eugene	Farmer	32	NangaEboko	15 june 2020
145	Ngono Ndanga	Farmer	42	NangaEboko	18june 2020
146	Ngono Albert	MINDAF	45	Yaounde	3june2020
147	Ngono Casmir	Farmer	48	NangaEboko	20June2020
148	Ngono Elvice	Farmer	42	NangaEboko	20june2020
149	Ngono Jacob	Farmer	38	Nanga Eboko	20 June 2020
150	Ngono Okala Philomene	SOSUCAM	39	Mbanjock	22July2020
151	Ngwangi Harry Lanyuy	MINDAF	45	Yaounde	14 Jan 2019
152	Njondzeka Tokov Ferdinand	Commisioner Nanga Eboko	53	NangaEboko	5 June2020
153	Nkama Didier	police	30	Nanga Eboko	5june2020
154	Nke Fouda	MINDAF	42	NangaEboko	8june2020
155	Nke Mama	Farmer	40	Minta	8Oct2020
156	Nkeng Marcelin	Farmer	48	Bibey	15 Sept2020
157	Nkoo Jean	Farmer	50	NangaEboko	18June2020
158	Nkoto Angoula	military	50	NangaEboko	25June2020
159	Nlong Soukeng	Farmer	48	Minta	8Oct 2020
160	Nong Rapheal	Farmer	50	NangaEboko	20June2020
161	Nossi Michel	Farmer	42	NangaEboko	20June2020
162	Ntang Domein	Farmer	40	NangaEboko	20June 2020
163	Ntyam Monessam	MINADER	50	Lembeyzom	3 Oct2020
164	Nyandongo Philomene	Farmer	41	mbanjock	25July2020
165	Nyango Frankline	Farmer	42	Nsem	10August20
166	Nyangono Merveille	Farmer	36	nangaEboko	20June2020
167	Nyihkouma Monique	Farmer	45	NangaEboko	20June 2020

168	Nyope Lious	SOSUCAM	46	Nkoteng	20July2020
169	Nze Samuel Achille	MINADER	42	Yaounde	10jan2020
170	Okala Ngongo	Farmer	48	Bibey	8Sept2020
171	Omba Adda Marie	Farmer	50	Minta	8Oct2020
172	Ondobo Marie	Farmer	40	Minta	8Oct2020
173	Owona Thierry Desire	SOSUCAM	48	Nkoteng	22July 2020
174	Oyee eko Elvis	MINADER	50	Nsem	3Agust2020
175	Pierre Etienne Kenfack	Lecturer UYII	55	Yaounde	10 jan 2019
176	Poh Ngono	Farmer	40	NangaEboko	20June 2020
177	Pong Moni	Senator	65	NangaEboko	3March2018
178	Robert fon Nsoh	CSO	48	Yaounde	10Jan2020
179	Sabela bertin	Farmer	40	Nkoteng	17july2020
180	Sadoa Robert	Farmer	39	Mbanjock	5July2020
181	Sali Nkoula Pierre	CSO	40	Yaounde	10Jan2020
182	Samback Brice	Farmer	50	Nsem	12August20
183	Same Joseph	chief	73	NangaEboko	3August2019
184	Same Peka Jean	Farmer	48	NangaEboko	15June 2020
185	Samuel Nguiffo	CED	52	Yaounde	10 Jan 2020
186	Sango Maise	Farmer	40	NangaEboko	15 June2020
187	Sangon Jean Noel	IKO/CATAC	36	NangaEboko	13June2020
189	Sangue Benjamin	farmer	43	Nsem	13June2020
190	Sassoe Bonaventure	farmer	50	Bibey	12 sept2020
191	Seme Barthelemy	Farmer	48	NangaEboko	15June2020
192	Songa Ambassa	Farmer	56	NangaEboko	15June 2020
193	Tata Ivo Nfor	MINDAF	45	Yaounde	15 Jan 2020
194	Tinak Jerome	IKO/CATAC	32	NangaEboko	15june2020
195	Tobi Ibrahim	SOSUCAM	38	Nkoteng	20July2020
196	Toukaba Paul	Farmer	45	Mbanjock	20July2020
197	Wangogang Bosco	SOSUCAM	54	Mbanjock	20sept2020
198	Yamban Anyol	Farmer	45	Nsem	8 August20
199	Yana Yana Eric	SOSUCAM	42	Mbanjock	20july2020
200	Zang Andre	SOSUCAM	54	Mbanjock	3july2020
201	Zang Dieudonné	Farmer	35	NangaEboko	7August2019
202	Zang zang	SDO	65	NangaEboko	1june2020

203	Zanga Ngo David	IKO/CATAC	45	NangaEboko	15june2020
204	Ze Efouba	Farmer	52	Minta	12oct2020
205	Ze Angoula	Farmer	55	NangaEboko	15june2020
206	Ze Remy	Farmer	56	Nsem	12August20
207	Ze Reymond	Farmer	65	NangaEboko	15June2020
208	Zeke David	Farmer	70	NangaEboko	15June2020

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