

**Applied Research Project  
Environment and Sustainability (ARP\_4\_01)**

The Graduate Institute of International and Development Studies (The Geneva Graduate Institute)  
United Nations Office of the High Commissioner for Human Rights in Central Africa (OHCHR CARO)

***Land Attribution Processes and Local Communities' Rights  
in Central Africa***



*Preliminary findings presented at the OHCHR CARO Sub-Regional Workshop on "National Action Plan related to the UN Guiding Principles on Business and Human Rights in Central Africa" in Douala, Cameroon, on June 22, 2023*

**Academic Supervisors**

Dr. Denis Ruysschaert ([denis.ruysschaert@graduateinstitute.ch](mailto:denis.ruysschaert@graduateinstitute.ch))

Nina Teresa Kiderlin ([nina.kiderlin@graduateinstitute.ch](mailto:nina.kiderlin@graduateinstitute.ch))

Shirin Barol ([shirin.barol@graduateinstitute.ch](mailto:shirin.barol@graduateinstitute.ch))

Hanna Josefine Berg ([hanna.berg@graduateinstitute.ch](mailto:hanna.berg@graduateinstitute.ch))

**Partner Supervisor**

Sylvaine Nadine Mballa Wilson ([sylvaine.mballa@un.org](mailto:sylvaine.mballa@un.org))

**Graduate Research Team**

Matteo Consiglio ([matteo.consiglio@graduateinstitute.ch](mailto:matteo.consiglio@graduateinstitute.ch))

S Boinmale Jean-Baptiste Sebgo ([s.sebgo@graduateinstitute.ch](mailto:s.sebgo@graduateinstitute.ch))

Michael John Tonetti ([michael.tonetti@graduateinstitute.ch](mailto:michael.tonetti@graduateinstitute.ch))

## ***Executive Summary***

The Graduate Research Team, in collaboration with the Graduate Institute of Geneva (IHEID) and the Office of the High Representative for Human Rights in Central Africa (OHCHR CARO), conducted this Applied Research Project. The objective was to analyze the human rights implications of land tenure legal frameworks in Central Africa, specifically focusing on Cameroon, Gabon, and São Tomé and Príncipe.

The research aimed to address the challenges of upholding international human rights standards in land allocation processes in Central Africa. It also sought to understand the vulnerabilities faced by specific groups in relation to land allocation. By analyzing international, regional, and local legal patterns, the research identified the fragmented nature of land and human rights in the region.

The research takes a structured approach, using a case study methodology that combines desk research, literature review, and fieldwork. It begins by establishing a basis for understanding the relationship between land allocation and human rights through an analysis of international, regional, and local legal and theoretical patterns identified in the literature. Based on these findings, semi-structured interviews were conducted with stakeholders. Preliminary findings were shared at the OHCHR CARO subregional workshop, incorporating feedback from participants.

The second part of the study examines country-specific cases, exploring the challenges and strengths of national legislation and its implementation. It looks at the complexities of land allocation in Cameroon, Gabon, and São Tomé and Príncipe, considering their unique contexts and legal frameworks, the influence of colonial history, the interaction between customary and contemporary law, and the impact on land rights.

Finally, the study concludes by presenting key findings that underscore the fragmented nature of land and human rights in Central Africa. It emphasizes the significance of recognizing land as a vital element of local communities' livelihoods and cultural identity. The research highlights the need for inclusive reform processes, the recognition of customary rights as the basis for tenure, and enhanced governance and administration. Moreover, it provides regional best practice recommendations to address the identified challenges.

## ***Acknowledgements***

We gratefully acknowledge all those who have contributed to this ARP and the Geneva Graduate Institute and OHCHR CARO for granting us this invaluable opportunity.

We would like to express our sincerest gratitude to our esteemed academic supervisor, Dr. Denis Ruyschaert, whose guidance, expertise, and support have been instrumental throughout this research. We are also immensely grateful for the dedication of Ms. Nina Teresa Kiderlin, Ms. Shirin Barol, and Ms. Hanna Josefine Berg whose valuable insights, contributions, and empathetic approach allowed us to overcome many difficulties. Their invaluable mentorship has been truly exceptional.

We extend special thanks to Ms. Sylvaine Nadine Mballa Wilson from OHCHR CARO for her expertise and invaluable support in navigating the complexities of our research topic. Her facilitation of our participation in the OHCHR CARO sub-regional workshop has been crucial to our progress.

Moreover, we would like to recognize and thank Dr. Samuel Nguiffo, Dr. Christophe Golay, and all the interviewees for generously sharing their time and insights. Your invaluable perspectives have significantly deepened our understanding of the subject matter.

Finally, we wish to thank all of those who have directly or indirectly supported this research endeavor.

**Date:** July 7, 2023

## ***Table of Contents***

<b><i>Introduction</i></b> .....	<b><i>1</i></b>
<b><i>Methodology</i></b> .....	<b><i>2</i></b>
<b><i>Definitions</i></b> .....	<b><i>3</i></b>
<b><i>The Fragmented Nature of Land and Human Rights</i></b> .....	<b><i>4</i></b>
<b><i>The International Perspective</i></b> .....	<b><i>4</i></b>
<b><i>The African Perspective</i></b> .....	<b><i>7</i></b>
<b><i>The Local Perspective</i></b> .....	<b><i>8</i></b>
<b><i>Land Attribution in Cameroon, Gabon and São Tomé and Príncipe</i></b> .....	<b><i>10</i></b>
<b><i>Cameroon</i></b> .....	<b><i>10</i></b>
I. <i>Introduction</i> .....	<i>10</i>
II. <i>Colonial Influence &amp; Customary vs. Contemporary Law</i> .....	<i>10</i>
III. <i>The 1974 Law and Ongoing Attempts at Reform</i> .....	<i>11</i>
<b><i>Gabon</i></b> .....	<b><i>14</i></b>
<b><i>São Tomé and Príncipe (STP)</i></b> .....	<b><i>18</i></b>
<b><i>Regional Best Practice Recommendations and Conclusion</i></b> .....	<b><i>21</i></b>
<b><i>Bibliography</i></b> .....	<b><i>23</i></b>

## **Introduction**

*"[There is an] increased competition for access to and control over land. Long-term trends in high demand for land [has] a significant impact on the rights of many, in particular peasants, rural communities, pastoralists, fisherfolk, and Indigenous Peoples."*<sup>1</sup>

From colonial times, international actors, power relations, and needs are shaping the continuous process of conversion of land for industrial agriculture and mining and its integration into the international supply chain. In recent decades, after a wave of post-colonial nationalizations, several countries in Central Africa have announced or begun to open land for international investment. To do so, land previously owned or managed by local communities is transformed for new uses. Therefore, the exploitation of these lands can lead to competing interests and conflicts, increasing the risk of human rights violations. There are international institutions and global policies (e.g., ILO Convention n. 169) to protect local communities, but often the necessary safeguards are not in place or not enforced at the national level while the colonial legacy in land management still affects the current system.<sup>2</sup>

Recognizing the research gap on the human rights implications of land tenure legal frameworks in Central Africa, the Geneva Graduate Institute (IHEID), together with the Office of the High Representative for Human Rights in Central Africa (OHCHR CARO), designed an Applied Research Project (ARP) on *"Land Attribution and Communities' Rights in Central Africa"*. The ARP was assigned to a team of three graduate students to explain the land attribution processes in the region and analyze their compliance gaps. A case study approach has been utilized due to the paramount role of national legislation and its implementation in preventing or fostering human rights violations in land attribution processes. Three countries were selected: Cameroon, Gabon, and São Tomé and Príncipe. The case selection rationale will be articulated in the methodology section.

The team formulated the following research questions:

- *Why have there been challenges in upholding international human rights standards with respect to land attribution processes in Central Africa and how are these challenges addressed in the case of Cameroon, Gabon, and São Tomé and Príncipe?*
- *Why are certain groups more vulnerable to human rights violations in relation to land attribution processes in these countries and how do potential information and compliance gaps between international standards and national implementation influence vulnerability?*

---

<sup>1</sup> Committee on Economic, Social and Cultural Rights. 2022. "General Comment No. 26 (2022) on Land and Economic, Social and Cultural Rights." ECOSOC, ph. 2; Martignoni, Joanna Bourke, ed. 2023. *Agricultural Commercialization, Gender Equality and the Right to Food: Insights from Ghana and Cambodia*. Earthscan Food and Agriculture. Abingdon, Oxon ; New York, NY: Routledge.

<sup>2</sup> De Schutter, O. (2010). The Emerging Human Right to Land. *International Community Law Review*, 12(3), p. 316; Assies, W. (2009). Land tenure, land law and development: Some thoughts on recent debates. *The Journal of Peasant Studies*, 36(3), p. 574-583; Wickeri, E., & Kalhan, A. (2010). Land Rights Issues in International Human Rights Law; Chauveau, J.-P., Grajales, J., & Léonard, É. (2020). Introduction: Foncier et violences politiques en Afrique: Pour une approche continuiste et processuelle. *Revue internationale des études du développement*, N°243(3), 7; Okure, A. (2010, November 16). Multi-national corporations' Land Grabbing in Africa. Africa Faith and Justice Network; Van Leeuwen, M., Mathys, G., De Vries, L., & Van Der Haar, G. (2022). From resolving land disputes to agrarian justice – dealing with the structural crisis of plantation agriculture in eastern DR Congo. *The Journal of Peasant Studies*, 49(2), 309–334; Mousseau, F., Currier, A., Fraser, E., & Green, J. (2020). Driving Dispossession. The Global Push To "Unlock The Economic Potential Of Land. The Oakland Institute; Indigenous peoples' collective rights to lands, territories and natural resource. (2018). IFAD.

The research will lay the groundwork for the relationship between land allocation and human rights by articulating the international, regional, and local legal and theoretical patterns identified in the literature. The second part will focus on the specific country cases to observe how the challenges and strengths of national legislation and its implementation. The study will conclude with the key findings.

The findings are expected to contribute to the academic and practical policy knowledge on land tenure and human rights in Central Africa. More broadly, they expand the literature on the impacts of land attribution processes on human rights. The research will enable UN agencies to advocate more effectively for specific legal or policy changes and to design capacity-building activities for maximum impact. The preliminary findings of the research have been virtually presented at the OHCHR CARO Sub-Regional Workshop on *"National Action Plan related to the UN Guiding Principles on Business and Human Rights in Central Africa"* in Douala, Cameroon, on June 22, 2023.

## ***Methodology***

The team defined the countries as "Central African" based on OHCHR CARO's jurisdiction. Substantively, the team chose Cameroon, Gabon, and São Tomé and Príncipe (STP) because of their diverse but illustrative land policies, natural characteristics, and different historical and colonial experiences. On a practical level, the location of OHCHR in Cameroon and its primary focus on it and Gabon are key factors. The insularity of STP, the team's knowledge of Portuguese, and the partner's existing network of contacts led to its inclusion. The partner's network was crucial given the remote nature of the field research. OHCHR's needs and the team's access also dictated the decision to focus more on Cameroon, both in terms of research and interviews. As a result, the section on Cameroon presents both an in-depth analysis and a focus on specific interviews that, while anecdotal, are illustrative of the research findings.

Following a preliminary desk research and literature review to collect secondary data from NGOs, IOs, and governments, the team and partners held a series of meetings to determine the terms of reference for the fieldwork. The fieldwork was conducted through remote first-hand oral data collected through five individual semi-structured interviews with relevant stakeholders. Based on the secondary data analysis, the team developed a set of 15 questions on the effectiveness, limitations, and potential improvements of current national legislation and implementation, its impact on human rights, its colonial legacy, and the situation of vulnerable groups. The focus of the questions was adapted to address three flexible categories: NGO workers; government/IO officials; and academics. The team conducted interviews in English, French, and Portuguese (with one team member always using their native language) using online meeting software and WhatsApp calls that lasted on average 40 minutes, with one exception where the responses were emailed. The team presented the preliminary findings virtually at the OHCHR CARO sub-regional workshop. The participants, international and local human rights practitioners, gave verbal feedback to the team during the presentation. The team collected the

feedback and incorporated it into the final findings. The direct experiences, key issues, and priorities of the participants allowed the team to focus the research efforts on the most relevant aspects.

The main challenge of the research lies in the limitations of remote fieldwork. The team faced the risk of self-selection bias and limited depth of data due to lack of access and inability to capture non-formal settings. The research questions, focus on national implementation, feedback from local actors through the sub-regional workshop, and interaction with local legal experts provided an appropriate level of mitigation. The team used a transparent approach, recognizing the need for cultural sensitivity in terms of privacy, values, and practices with all participants. The team applied strict principles of 'do no harm' and expressed consent. The team limited the scope of the research to what could be reliably represented without being physically present on the ground, and limited the research to identifying patterns and correlations, without the intention of prescribing solutions or inferring causality where this was not possible.<sup>3</sup>

## ***Definitions***

The report will deploy several subject-specific terms defined below:

- **Land tenure/large-scale land acquisitions (LSLAs):** The relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land. Land tenure is an institution, i.e., rules invented by societies to regulate behavior. Rules of tenure define how property rights to land are to be allocated within societies.<sup>4</sup>
- **Land dispute:** A scenario where two or more groups believe their interests related to a plot of land are incompatible. Non-violent conflict can be an essential component of social change and development and is a necessary component of human interaction. Non-violent resolution of conflict is possible when individuals and groups have trust in their governing structures, society, and institutions to manage incompatible interests.<sup>5</sup>
- **Land reform:** Efforts to correct what is seen as historical distortions in the allocation of land ownership and use rights. These distortions may have resulted from colonial land grabbing and dispossessions, enclosures, landlordism, or previous reforms themselves.<sup>6</sup>

---

<sup>3</sup> *Wendt, A. (1998). On constitution and causation in International Relations. Review of International Studies, 24(5)*

<sup>4</sup>Food and Agriculture Organization of the United Nations, "Land Tenure and Rural Development" (Rome, Italy, 2002), <https://www.fao.org/3/y4307e/y4307e05.htm>.

<sup>5</sup> The United Nations Interagency Framework Team for Preventive Action, "Toolkit and Guidance for Preventing and Managing Land and Natural Resources Conflict," October 2012, [https://www.un.org/en/land-natural-resources-conflict/pdfs/GN\\_ExeS\\_Land%20and%20Conflict.pdf](https://www.un.org/en/land-natural-resources-conflict/pdfs/GN_ExeS_Land%20and%20Conflict.pdf).

<sup>6</sup> Ben White, Saturnino Borras, and Ruth Hall, "Land Reform," 2014, <https://idl-bnc-idrc.dspacedirect.org/bitstream/handle/10625/51570/IDL-51570.pdf?sequence=1&isAllowed=y>.

## ***The Fragmented Nature of Land and Human Rights***

The interaction between the international, regional, and national levels in the context of land and human rights in Central Africa is characterized by a fragmented legal framework at all levels and heterogenous implementation at the national level. In this context, the local and national levels and UN human rights monitoring bodies have an important role to play in monitoring human rights violations related to LSLAs and harmonizing action.<sup>7</sup>

According to ECOSOC, states' international obligations require them to ensure equitable and human rights-centered tenure systems, agrarian reform, and land distribution<sup>8</sup>. The described fragmentation is what led to a case-by-case research approach, as the effectiveness of the international and regional level relies on individual countries adopting and incorporating them into their national laws. Consequently, the protection of land and human rights becomes contingent upon specific national legal frameworks. Meanwhile, we see that the interaction between the international and regional levels is primarily articulated through the former adapting international norms to consider cultural practices, historical factors, and socio-economic realities that influence land tenure and human rights in the region.

## ***The International Perspective***

According to De Schutter (2010) and Assies (2009), land in development has traditionally been conceptualized through technical or commercial solutions. It is a market good for economic empowerment and production maximization through income and credit.<sup>9</sup> However, the liberal and efficient allocation of goods in the international market is often at the expense of equity. In this context, poor implementation of land tenure creates a strong potential for human rights violations.<sup>10</sup> It can disproportionately affect women, Indigenous Peoples, rural communities, children, and small farmers and their ability to access and benefit from land.<sup>11</sup> Additionally, “[L]and is not only a resource for producing food, generating income and developing housing, it also constitutes the basis for social, cultural and religious practices and the enjoyment of the right to take part in cultural life.”<sup>12</sup> Land-related rights, from the most basic to the right to physical and mental health and culture, are not adequately secured.<sup>13</sup>

By focusing on the potential vulnerabilities created by land tenure, an understanding of land as an enabler of fundamental rights challenges this view.<sup>14</sup> In some cases, the benefits of Western-style

---

<sup>7</sup> Golay, 2015

<sup>8</sup> Committee on Economic, Social and Cultural Rights, 2022

<sup>9</sup> Assies, Willem. “Land Tenure, Land Law and Development: Some Thoughts on Recent Debates.” *The Journal of Peasant Studies* 36, no. 3 (July 2009), p. 574-583; Martignoni, Joanna Bourke, ed. 2023.

<sup>10</sup> Golay, Christophe. 2015. “Identifying and Monitoring Human Rights Violations Associated with Large-Scale Land Acquisitions.: A Focus on United Nations Mechanisms and South-East Asia.” *Revue Internationale de Politique de Développement*, no. 6 (October).

<sup>11</sup> Committee on Economic, Social and Cultural Rights. 2022; Golay, 2015; Martignoni, Joanna Bourke, ed. 2023. *Agricultural Commercialization, Gender Equality and the Right to Food: Insights from Ghana and Cambodia*. Earthscan Food and Agriculture. Abingdon, Oxon ; New York, NY: Routledge.

<sup>12</sup> Committee on Economic, Social and Cultural Rights, 2022, ph. 1

<sup>13</sup> Committee on Economic, Social and Cultural Rights, 2022, ph. 9; De Schutter, 2015, p. 2

<sup>14</sup> De Schutter, Olivier. “The Emerging Human Right to Land.” *International Community Law Review* 12, no. 3 (2010), p. 316; Assies, 2009, p. 574

legal property rights may be less important than their negative human rights impact due to the cross-cutting legal, customary, and religious nature of land.<sup>15</sup>

From a human rights perspective, there is currently no consolidated definition or international human rights framework on land. Land-related rights have mostly developed through a series of unrelated documents with varying degrees of binding force and acceptance. Peasant rights represent the most holistic approach, but the main convention recognizing them (i.e., UNDROP) is not legally binding. As a result, the right to land is often invoked indirectly through other rights, leading to potential ineffectiveness in the protection of individuals, and overlap between multiple rights and competent institutions leads to non-holistic protection of rights prone to violations.<sup>16</sup> The national and regional levels, thus, play a key role in ensuring the protection of land-related rights.

The next section discusses what rights and documents are invoked at the international level and how some of them are linked:

- a) Universal Declaration of Human Rights (UDHR)<sup>17</sup>, International Covenant on Civil and Political Rights (ICCPR)<sup>18</sup>, and International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>19</sup>: Because of their widespread adoption, they provide a bare but important legal basis.<sup>20</sup> They include the right to security (UDHR, art. 3), property and non-arbitrary deprivation thereof (UDHR, art. 17), privacy and non-interference (ICCPR, art. 17), effective remedy (ICCPR, art. 2.3), non-discrimination (ICCPR art. 26). According to ECOSOC General Comment No. 26, “*Forced evictions are prima facie incompatible with the requirements of the [ICESCR]*”<sup>21</sup> and that states have “*extraterritorial obligation to protect requires States parties to establish the necessary regulatory mechanisms to ensure that business entities, including transnational corporations, and other non-State actors that they are in a position to regulate do not impair the enjoyment of rights under the Covenant in land-related contexts in other countries.*”<sup>22</sup>
- b) Peasants’ Rights: UNDROP<sup>23</sup> is one of the few formal legal documents that create a human rights framework centered on peasants and, by extension, land. Art. 5 includes the right to access, control, and manage land<sup>24</sup> and art. 17 considers the land as a means to a better standard of living

---

<sup>15</sup>Assies, 2009, p. 577; De Schutter, 2010, p. 316; Wickeri, Elisabeth, and Anil Kalhan. *Land Rights Issues in International Human Rights Law*. Malaysian Journal on Human Rights, Vol. 4, No. 10, 2010.

<sup>16</sup>Künnemann, Rolf, and Sofia Monsalve Suárez. “International Human Rights and Governing Land Grabbing: A View from Global Civil Society.” *Globalizations* 10, no. 1 (February 2013), p. 130

<sup>17</sup>UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III)

<sup>18</sup>UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171

<sup>19</sup>UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3

<sup>20</sup>Wickeri, and Kalhan, 2010

<sup>21</sup>Committee on Economic, Social and Cultural Rights. 2022, ph. 23

<sup>22</sup>Committee on Economic, Social and Cultural Rights, 2022, ph. 42.

<sup>23</sup>United Nations, Declaration on the Rights of Peasants and Other People Working in Rural Areas, 17 December 2018, A/RES/73/165

<sup>24</sup>“(1) Peasants and other people working in rural areas have the right to have access to and to use in a sustainable manner the natural resources [...] that are required to enjoy adequate living conditions [...] They also have the right to participate in the management of these resources. (2) States shall take measures to ensure that any exploitation affecting the natural resources that peasants and other people working in rural areas traditionally hold or use is permitted based on, but not limited to: [...] (b) Consultations in good faith, in accordance with article 2.3 of the present declaration; (c) Modalities for the fair and equitable sharing of the benefits of such exploitation that have been established on mutually agreed terms” (UNDROP, art. 5)



and development, promotes land reforms in this direction, protects against forced evictions and displacement, and recognizes customary rights.<sup>25</sup>

- c) Right to Food: The FAO's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests have a key role in articulating a human rights-centered approach to Tenure.<sup>26</sup> The UN Special Rapporteur on the Right to Food and General Comment 12 on the right to adequate food consider the lack of access to land as the root of hunger and malnutrition and the enjoyment of the right to food.<sup>27</sup> Legally, both the UDHR (art. 25<sup>28</sup>) and the ICESCR (art. 11<sup>29</sup>) directly recognize the right to food.
- d) Right to Housing: The UDHR (Art. 25) and ICESCR (Art. 11) also recognize the right to housing, and ICESCR General Comment No. 4 & No. 7 recognizes that "*forced evictions are prima facie incompatible with the [Convention]*"<sup>30,31</sup> Finally, the UN Special Rapporteur on Adequate Housing highlighted the key role of effective protection of formal and informal land tenure rights<sup>32</sup>.
- e) Indigenous Rights: ILO Convention n. 169<sup>33</sup> recognizes the right to collective ownership and control over its development and requires safeguard, consent, and resolution procedures for land claims/forced removal. In particular, the Convention's articulation of free, prior, and informed consent (FPIC) directly addresses the issue of land grabbing by the mining and agricultural sectors.<sup>34</sup> Furthermore, the 2007 UNDRIP<sup>35</sup> recognizes the right to traditionally owned land<sup>36</sup> and the right to free, prior, and informed consent. ECOSOC highlights the importance of mechanisms for adequate settlement of disputes between Indigenous Peoples and peasants.<sup>37</sup>

---

<sup>25</sup> "(1) Peasants and other people living in rural areas have the right to land, individually and/ or collectively [...] to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures (2) States shall take appropriate measures to remove and prohibit all forms of discrimination related to the right to land [...] [and] to provide legal recognition for land tenure rights, including customary land tenure rights, not currently protected by law, recognizing the existence of different models" systems. States shall protect legitimate tenure, and ensure that peasants [...] are not arbitrarily or unlawfully evicted and that their rights are not otherwise extinguished or infringed. [...] (6) Where appropriate, States shall take pertinent measures to carry out agrarian reforms in order to facilitate broad and equitable access to land" (art. 17, UNDRIP); Golay, Christophe, The Right to Land and the UNDRIP. How Can We Use the United Nations Declaration on The Rights of Peasants and Other People Working in Rural Areas to Protect the Right to Land? Geneva Academy, 2020

<sup>26</sup> Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. 2019. FAO; Golay, Christophe. 2015.

<sup>27</sup> "A State would be acting in violation of this right if, by leasing or selling off land to investors (whether domestic or foreign), it was 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" (CESCR, 1999); De Schutter, 2010, p. 306-333. "roots of the problem of hunger and malnutrition are not lack of food but lack of access to available food"; Golay, Christophe. 2015. "Identifying and Monitoring Human Rights Violations Associated with Large-Scale Land Acquisitions.: A Focus on United Nations Mechanisms and South-East Asia." *Revue Internationale de Politique de Développement*, no. 6 (October).

<sup>28</sup> "(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care" (UDHR, art. 25.1)

<sup>29</sup> "right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions." (ICESCR, art. 11.1)

<sup>30</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, ph. 1

<sup>31</sup> Wickeri, and Kalhan, 2010

<sup>32</sup> "In order to secure a maximum degree of effective legal protection against the practice of forced evictions for all persons under their jurisdiction, States should take immediate measures aimed at conferring legal security of tenure upon those persons, households and communities currently lacking such protection, including all those who do not have formal titles to home and land." Special Rapporteur on adequate housing. Basic Principles and Guidelines on Development-Based Evictions and Displacement. Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, A/HRC/4/18, para. 25

<sup>33</sup> International Labour Organization (ILO), Indigenous and Tribal Peoples Convention, C169, 27 June 1989, C169

<sup>34</sup> ILO, 1989; Wickeri, and Kalhan, 2010; Assies, 2009, p. 577

<sup>35</sup> UN General Assembly, United Nations Declaration on the Rights of Indigenous Peoples : resolution / adopted by the General Assembly, 2 October 2007, A/RES/61/295

<sup>36</sup> "indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired."

<sup>37</sup> Committee on Economic, Social and Cultural Rights, 2022, ph. 19

- f) Women's Rights: The CEDAW<sup>38</sup> requires parties to ensure equal rights to "ownership, acquisition, management, administration, enjoyment and disposition of property"<sup>39</sup> as individuals as well as the right to "equal treatment in land and agrarian reform."<sup>40</sup>
- g) Climate Change and Environmental Degradation: The main key document in the field is the IPCC's REDD+<sup>41</sup> on the relationship between land and forest to reduce carbon emissions.<sup>42</sup> Overall, small-scale farmers tend to have a reduced ability to invest in climate adaptation.<sup>43</sup>

## ***The African Perspective***

From the regional perspective, the right to land as such is not codified. However, the region focuses primarily on the contextual articulation of the right to property, which could include land, is enshrined, subject to the general, social, or public interest. Article 14 of the African Charter on Human and Peoples' Rights recognizes the right to property, which may be infringed only in cases of public necessity or general interest.<sup>44</sup> Article 21 also recognizes the right of people to the free disposal of natural wealth and resources. The article reaffirms the right to adequate compensation.<sup>45</sup>

Regarding the specific case of women, the protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa explicitly enshrines not the right to land, but access to land. It protects women concerning their equal access to land and natural resources. In Article 15 devoted to the right to food security, the Protocol stipulates that States must "ensure women's access to drinking water, domestic energy sources, land and means of food production" (art. 15. a<sup>46</sup>). Furthermore, article 19. c states that states shall take all appropriate measures to promote women's access to and control over productive resources such as land and to ensure their right to property.<sup>47</sup> The women's rights approach to land rights is linked to access to land, not only through non-discrimination but also through poverty reduction and economic empowerment.

Two jurisprudences before the African Commission on Human and Peoples' Rights assert that every individual has the right to property under the Charter. The first case, also known as the Endorois case identifies the Endorois as 'a people', a status that entitles them to benefit from provisions of the African Charter that protect collective rights to property regarding its ancestral land, the possessions

<sup>38</sup> UN General Assembly. 1979. Convention on the Elimination of All Forms of Discrimination Against Women. Treaty Series, vol. 1249, p. 13.

<sup>39</sup> "the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration" (art. 16.1, CEDAW).

<sup>40</sup> "(1) States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play [...] (2) States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas [...] in particular, shall ensure to such women the right: [...] (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;" (CEDAW, art. 14)

<sup>41</sup> United Nations Framework Convention on Climate Change (UNFCCC), Framework on Reducing Emissions from Deforestation and Forest Degradation+ (REDD+)

<sup>42</sup> Koné et al. "Land Reform and Protection of Communities' Rights." FPP, RRN, DGPA, 2016.

<sup>43</sup> Martignoni, Joanna Bourke, ed. 2023

<sup>44</sup> See page 5 of African Union. (1981). African Charter on Human and Peoples' Rights. African Union [https://au.int/sites/default/files/treaties/36390-treaty-0011\\_-\\_african\\_charter\\_on\\_human\\_and\\_peoples\\_rights\\_e.pdf](https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf)

<sup>45</sup> African Union, 1981 *ibid.*, p7

<sup>46</sup> African Union. 2003. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. p16 OHCHR. <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WG/ProtocolontheRightsofWomen.pdf>

<sup>47</sup> African Union, 2003 *ibid.*, p18

attached.<sup>48</sup> The Ogoni case is the other case that extended the definition of the property right to not only including “the right to have access to one’s property and not to have one’s property invaded or encroached upon” but also “the right to undisturbed possession, use, and control of such property however the owner(s) deem fit.”<sup>49</sup>

There are sectorial gatherings at the subregional level with indirect links to the land. For instance, CAFI (Central African Forest Initiative)<sup>50</sup> supports on-the-ground direct investment and a high-level policy dialogue platform in Cameroon, Gabon, Equatorial Guinea, Central African Republic, Republic of Congo, and the Democratic Republic of Congo to slow forest loss and degradation in Central Africa.

### ***The Local Perspective***

The local perspective is primarily articulated through the relationship between customary and contemporary, representing one of the most pervasive tensions over land use in Central Africa. Customary law consists largely of unwritten rules and practices passed down from generation to generation, and in this case, refers to the systems of governance in many pre-colonial societies.<sup>51</sup> For each community, there is a unique system of customary law, meaning that thousands of versions of customary law being, although significant crossover exists, “*in its pristine form [...] conform[ing] to the community’s notions of justice and fairness [...] [and] thus generally accepted to be the law.*”<sup>52</sup> However, “*the transformation of labor power into commodity form eroded the basis of customary kinship.*”<sup>53</sup> In other words, when labor began to be remunerated in money during the colonial period, it shook the foundations on which customary law had historically rested.

The formalization of property rights (i.e., titling) is often seen as a positive practice to create tenure security. This may be potentially true, but careful analysis and understanding of customary practices are needed in order not to undermine the security provided by customary systems. The liberal concept of property rights is not the same as the right to land. As a place of life (for habitation, economic, social, cultural, and religious activities, etc.), land has an irreplaceable place in human existence. According to FAO, private land tenure is the assignment of rights to a private party, which may be an individual, a group of people, or a legal entity such as a commercial company or a non-profit organization.<sup>54</sup> The central feature of private land tenure has to do with control over various things - who has control, what justifies someone having it, and what forms of control are involved.

---

<sup>48</sup> Golay & al., 2010

<sup>49</sup> Coomans, F. 2003. The Ogoni Case before the African Commission on Human and Peoples’ Rights. *The International and Comparative Law Quarterly*, 52(3), 749–760. <http://www.jstor.org/stable/3663335>

<sup>50</sup> CAFI was created in 2015 to slow forest degradation in Central Africa through transformational reforms and ambitious on-the-ground investments. It comprises six partner countries: Cameroon, Gabon, Equatorial Guinea, Central African Republic, Republic of Congo and Democratic Republic of Congo.

<sup>51</sup> Raymond A. Atugaba, “Customary Law Revivalism: Seven Phases in the Evolution of Customary Law in Sub-Saharan Africa,” *Inter Gentes*, December 7, 2022, <https://intergentes.com/seven-phases-in-the-evolution-of-customary-law-in-sub-saharan-africa/>.

<sup>52</sup> Raymond A. Atugaba.

<sup>53</sup> Martin Chanock, “A Peculiar Sharpness: An Essay on Property in the History of Customary Law in Colonial Africa,” *The Journal of African History* 32, no. 1 (1991): 65–88.

<sup>54</sup> See the definition on: <https://www.fao.org/3/y4307e/y4307e05.htm>

“Superimposition of titling on these pre-existing, customary forms of tenure may result in more conflicts rather than in more clarity, and in less security rather than in improved security (Toulmin and Quan, 2000). In addition, customary forms of property may provide security for those depending on it”.<sup>55</sup> However, customary rights can also perpetuate pre-existing forms of inequality with local elites while reducing land security or harming marginalized groups. Nonetheless, the same effect can be produced by titling, which tends to favor those who already occupy or control the land (i.e., elite capture)<sup>56, 57</sup>.

In the case of many developing countries, former colonial land policies have influenced land tenure systems imposed over traditional land distribution patterns. Lack of formal state recognition of indigenous communities.<sup>58</sup> In addition, for some local experts and international development agencies, customary and collective land tenure systems are obstacles to wealth creation and profit accumulation.<sup>59</sup> There has been strong pressure to formalize private land rights to facilitate their sale and lease for commercial use.<sup>60</sup> As a result, there are now many interlocking systems of rules, laws, customs, and regulations at both national and local levels that govern how people exercise their rights to use, control, and transfer land. Finally, since the 1980s, the international context of liberalization and movements has accelerated the land crisis.<sup>61</sup> As a result, competition for access to land has become acute in many places, and land conflicts have multiplied and intensified, sometimes contributing to violent civil confrontations.<sup>62</sup>

---

<sup>55</sup> De Schutter, 2015, p. 11

<sup>56</sup> CLEP in De Schutter, 2015, p. 5

<sup>57</sup> De Schutter, 2015, p. 11

<sup>58</sup> See the report of the International Fund for Agricultural Development (IFAD): *Indigenous peoples' collective rights to lands, territories and natural resources* [https://www.ifad.org/documents/38714170/40272519/IPs\\_Land.pdf/ea85011b-7f67-4b02-9399-aaea99c414ba](https://www.ifad.org/documents/38714170/40272519/IPs_Land.pdf/ea85011b-7f67-4b02-9399-aaea99c414ba)

<sup>59</sup> See the WRM Bulletin 254. Why Reject the Privatization of Customary Land. World Rain Forest Movement. (2021). <https://www.wrm.org.uy/bulletin-articles/why-reject-the-privatization-of-customary-land>

<sup>60</sup> WRM, 2021, *ibid.*

<sup>61</sup> Roudart et Mazoyer, 2012; Akram-Lodhi et Kay, 2009

<sup>62</sup> Chauveau, J., Grajales, J. & Léonard, É.. Introduction : foncier et violences politiques en Afrique: Pour une approche continuiste et processuelle. *Revue internationale des études du développement*, (2020) 243, 7-35. <https://doi.org/10.3917/ried.243.0007>

# *Land Attribution in Cameroon, Gabon and São Tomé and Príncipe*

## *Cameroon*

### **I. Introduction**

Land attribution and local communities' rights are deeply entrenched issues in Cameroon, a country currently navigating the tension between traditional customs and modernization. In rural communities generally, access to land is arguably the most critical component not just for economic well-being, but also for survival. This is especially true in Cameroon, where approximately 40 percent of the population lives in rural areas.<sup>63</sup> However, a tumultuous history defined by evolving legal systems has shaped a complex dynamic between traditional and contemporary practices, in many cases fostering fraught relationships between communities, governments, and businesses over the land attribution process. This section explores the issue of Cameroonian land attribution and local community's rights, discussing the interplay between customary and contemporary law, the legacy of colonial influence, the 1974 law that has shaped Cameroonian land use for the last half-century, and more recent attempts at reform and their shortcomings. Essential to our understanding are the voices of the representatives of several of the communities affected.

### **II. Colonial Influence & Customary vs. Contemporary Law**

Customary law, the term that defines the unwritten rules of each indigenous and rural community, is based on traditional values, practices, and norms that have been passed down over generations. Cameroonian customary law represents a *“fragmentary regime of diverse and conflicting rules applicable by the various ethnic groups... that originated in precolonial Africa and were influenced by developments within the agrarian economy based essentially on subsistence farming and trade by barter. These rules represented the dominant views of the time, at a period when values such as communalism, male chauvinism, magico-religious beliefs, collective ownership of property, and restorative justice were fashionable and predominant in traditional societies.”*<sup>64</sup> In Cameroon, in most cases the land utilized under the auspice of customary rights is unregistered and designated as national land, meaning it has no formal ownership.<sup>65</sup> Pre-colonization, land use and distribution were primarily governed by customary land rights emphasizing communal ownership. Land was considered a shared resource, managed for the benefit of all community members.

The arrival of European colonizers in Cameroon during the late 19th century marked the beginning of a seismic shift in land use attribution practices. The German colonial period (1884-1916)

---

<sup>63</sup>World Bank, “Rural Population (% of Total Population) - Cameroon,” 2018, <https://data.worldbank.org/indicator/SP.RUR.TOTL.ZS?locations=CM>.

<sup>64</sup>Mikano Emmanuel Kiye, “Customary Law in Anglophone Cameroon and the Repugnancy Doctrine: An Insufficient Complement to Human Rights,” *Ufahamu: A Journal of African Studies* 42, no. 2 (2021), <https://escholarship.org/content/qt3jm9186m/qt3jm9186m.pdf?t=qvkwtp>.

<sup>65</sup>International Land Coalition, “Uniting for Land Rights in Cameroon,” Cameroon National Engagement Strategy, 2021, [https://d3o3cb4w253x5q.cloudfront.net/media/documents/ILC\\_contribution\\_analysis\\_2021\\_6\\_cameroon\\_low\\_res.pdf](https://d3o3cb4w253x5q.cloudfront.net/media/documents/ILC_contribution_analysis_2021_6_cameroon_low_res.pdf).

was characterized by the establishment of plantations and significant land expropriation.<sup>66</sup> In the post-German era, under French and British colonial rule, the land tenure systems evolved differently in the English-speaking and French-speaking parts of the country.<sup>67</sup> English common law was introduced in Cameroon's northwest and southwest regions, while French civil law was introduced in the rest of the Francophone-speaking regions. English common law recognized some native land rights, while French civil law considered all unregistered land to be owned by the state,<sup>68</sup> and both these influences have significantly shaped Cameroon's land tenure systems. To facilitate extraction, colonial powers implemented a variety of land laws and policies, many of which contradicted customary land practices. The German colonial administration initiated the process of commodifying land and transforming it into a form of capital, often disregarding and undermining traditional rights to land.<sup>69</sup> Following the transfer of colonial power to Britain and France, these new administrators further cemented this shift away from customary land rights. French authorities enforced the concept of "terres vacantes," or vacant lands, which essentially allowed the state to claim all lands not clearly occupied or cultivated,<sup>70</sup> negating traditional land use practices and indigenous peoples' rights to land. These policies enabled colonial powers to carry out extensive land acquisitions for their agricultural enterprises without input from the communities who previously occupied these lands, often resulting in their displacement. As a result, in many cases indigenous populations were relegated to smaller, less productive lands, leading to overcrowding and over-farming in these areas. Furthermore, the colonial focus on cash crop monocultures disrupted the traditionally diverse farming systems, causing long-term changes to the ecological landscape and contributing to environmental degradation.<sup>71</sup>

The introduction of colonizing land tenure systems and laws during this period is at the root of current land conflicts and disparities, compounding the problems faced by post-colonial Cameroon in dealing with land attribution and ownership. The legacy of colonization in Cameroon's land use practices is an illustration of a broader historical narrative of colonial impact on indigenous land rights and environmental management in the region. It underscores the need to revisit colonial-era land laws and build more inclusive, equitable land governance systems that recognize and uphold traditional and indigenous land rights while simultaneously promoting sustainable land use practices.

### III. The 1974 Law and Ongoing Attempts at Reform

The current legal framework for land and natural resource governance in Cameroon is defined primarily by tenure Ordinances No. 74/1 and 74/2 (1974) and their subsequent amendments, in addition

---

<sup>66</sup>German Federal Ministry for Economic Cooperation and Development, "The Heavy Legacy of Colonialism," accessed June 18, 2023, <https://www.bmz.de/en/countries/cameroon/background-52204>.

<sup>67</sup>Mikano Emmanuel Kiyé, "Conflict Between Customary Law and Human Rights in Cameroon: The Role of the Courts in Fostering an Equitably Gendered Society," *African Study Monographs* 36, no. 2 (June 2015): 75–100.

<sup>68</sup>Feh Henry Baaboh, "Cameroon Legal System," accessed June 27, 2023, <https://www.hg.org/legal-articles/cameroon-legal-system-7155>.

<sup>69</sup>"German Kamerun 1884-1816," in *Encyclopedia Britannica*, accessed June 18, 2023, <https://www.britannica.com/place/Cameroon/German-Kamerun-1884-1916>.

<sup>70</sup>Rebeca Leonard and Judy Longbottom, "Land Tenure Lexicon: A Glossary of Terms from English and French Speaking West Africa," *Land Tenure and Resource Access in West Africa*, January 2000.

<sup>71</sup>Elsa M. Ordway et al., "Oil Palm Expansion and Deforestation in Southwest Cameroon Associated with Proliferation of Informal Mills," *Nature Communications* 10, no. 1 (January 10, 2019): 114, <https://doi.org/10.1038/s41467-018-07915-2>.

to Law No. 85/09 (1985) on land expropriation for public purposes and the conditions for its compensation. These laws lay out the rules governing the land tenure process, including conditions to receive title deeds, the management of national lands, and the rules of property transactions, both public and private. At the time the Cameroonian national government enacted these laws, they represented a significant shift in the status quo for land management in Cameroon. In pre-colonial Cameroon, customary rights dictated land use practices.<sup>72</sup> However, the shift to a more contemporary version of land tenure with the 1974 laws created a system where in many cases the occupants of the land are neither protected nor recognized as the proprietor of the land.<sup>73</sup> This system of individual statutory property rights is in direct contrast to the traditional land tenure practices in Cameroon, undermining community cohesion and upheaving previous arrangements of collective land usage and access, leading to increased inter-community conflicts.<sup>74</sup> Indeed, it is an extension of colonial-era policies. This policy outcome is particularly critical in Cameroon, where more than 11 million people are reliant on the land for their livelihood and sustenance,<sup>75</sup> yet do not maintain any sort of formalized property rights over it.

This situation makes the occupants vulnerable to a sudden seizure of the land and subsequent displacement, often without any measurable compensation.<sup>76</sup> This has had the most severe impact on Cameroon's most marginalized populations, including indigenous communities, women, and small farmers, leading many to characterize the current system as "generally obsolete" and "unresponsive" to the needs and rights of these various marginalized groups.<sup>77</sup> For the most part, these land grabs are a direct result of 1) large-scale agricultural investments, 2) infrastructure projects, and 3) the exploitation of forests, mines, and other natural resources.<sup>78</sup> In addition, climate change and migration have led to changing pastoral migration routes, deforestation, and increasing internal tensions between communities<sup>79</sup>.

Since 2011, civil society organizations and the Cameroonian government have been undertaking a collaborative effort to devise a new land use framework, which represents a significant step forward. These organizations are the main drivers of the reform recommendations.<sup>80</sup> These recommendations are summarized here and supported by interviews to illustrate the lived experiences of those living day-to-day more effectively with land attribution issues in Cameroon. These conversations illuminated the tangible effects of current land use policies, bringing to life the challenges and contradictions, as well as highlighting the resilience and tenacity of local communities in the face of these obstacles.

---

<sup>72</sup> Sandrine Kouba, Brendan Schwartz, and Emile Beauchamp, "Securing Land Rights in Cameroon: What Hasn't Worked and What Should Be Done," *International Institute for Environment and Development*, 2020, <https://www.jstor.org/stable/resrep25164?seq=1>.

<sup>73</sup> International Land Coalition, "Uniting for Land Rights in Cameroon."

<sup>74</sup> Anne Hennings, "Cameroon - Context and Land Governance," *Land Portal Foundation*, May 12, 2021.

<sup>75</sup> World Bank, "Rural Population - Cameroon," 2018, <https://data.worldbank.org/indicator/SP.RUR.TOTL?locations=CM>.

<sup>76</sup> Samuel Nguiffo and Amaelle Seigneret, "IIED Briefing: Land Reform in Cameroon: A Coherent Vision from Civil Society" (International Institute for Environment and Development, May 2021), <https://www.iied.org/20126iied>.

<sup>77</sup> Various Contributors, "Land Reform in Cameroon: Common Position Paper of Civil Society Organizations," National Engagement Strategy on Land Governance in Cameroon, May 2016, <https://namati.org/wp-content/uploads/2017/03/Land-Reform-in-Cameroon.pdf>.

<sup>78</sup> Nguiffo and Seigneret, "IIED Briefing: Land Reform in Cameroon: A Coherent Vision from Civil Society."

<sup>79</sup> Hennings, "Cameroon - Context and Land Governance."

<sup>80</sup> Nguiffo and Seigneret, "IIED Briefing: Land Reform in Cameroon: A Coherent Vision from Civil Society."

1. **Inclusive and Coherent Reform Process:** *Reform should involve all stakeholders, consider local realities and requests, create a clear and transparent roadmap, and ensure coordination across sectors for greater coherence between laws governing forestry, extraction, land, and environmental management.* Ms. Elisabeth Fouda, Coordinator of Racopy, a network of indigenous-led organizations and NGOs focused on protecting the forests and the communities who call them home, provided a perspective on the rights of indigenous communities, particularly the indigenous Pygmy people. Ms. Fouda highlighted the unfortunate reality that the land rights of these people are typically completely neglected. Their mission revolves around compelling the state to recognize the indigenous communities' rights to their lands and respect the authority of traditional chiefs in managing these territories. The group has taken steps to convey their concerns to the government and is hopeful of further dialogue, but often faces challenges voicing their concerns. This illustrates one of many examples of local communities that are being left out of the reform.
2. **Rights and Ownership:** *Revise the requirement for visible development before 1974, recognize customary rights as a basis for ownership in rural areas, acknowledge collective ownership, protect the interests of marginalized groups, and safeguard communities against land acquisitions for large-scale investments.* In our interview with Ms. Marie Noelle Etonde, Chair of the Women's Branch of Synaparcam in Souza, she highlighted some of the challenges faced by local communities in their struggle for land rights and ownership. According to Ms. Etonde, with vast palm plantations encroaching upon their community, villagers do not have land for the cultivation of their own crops, eroding their ability to make a living, making it more difficult to send their children to school, and ultimately to cultivate opportunities for the next generation. All of this perpetuates a cycle of landlessness and socio-economic stagnation, exacerbating social issues among disaffected youth such as petty crime, and underscoring why respecting land rights and recognizing customary land rights as a basis for ownership is critical.
3. **Governance and Administration:** *Decentralize land administration with active council participation, strengthen land governance institutions by clarifying roles and responsibilities at both national and local levels, mark out traditional village land boundaries, and establish a reliable geographical database. Increase public, particularly local and indigenous people's involvement in land management, and develop anti-corruption tools to enhance transparency.* The privatization of local lands by Socapalm is a testament to the non-adherence to stipulated agreements by the government, emphasized Ms. Etonde. The issue began when Socapalm first arrived in Souza in 2000. Despite an agreement to allocate 20,000 hectares to the village, the company failed to respect this commitment. Additionally, Ms. Etonde claims that Socapalm is renting 78,000 hectares of land while only paying for 58,000 hectares, essentially taking advantage of the community with no accountability. On top of that, the provision of water, part of Socapalm's agreement with the government, has also been contentious, with reports of



unclean water delivered to the community as a result of Socapalm's activities. Complaints from villagers are falling on deaf ears, both within the company and the government. Even worse, Ms. Etonde has faced threats for voicing these concerns. While some issues like the desecration of burial grounds and noise pollution have been partially resolved, the underlying problems of power imbalance, land appropriation, and disrespect for agreements persist. Thus, in some ways, part of the challenge with ensuring land rights is a challenge of good governance.

4. **Expropriation and Compensation:** *Clearly define key concepts like 'public purpose', ensure compensation covers all damages and affected parties, create fair criteria for expropriation and compensation, review compensation rates, and protect those affected by expropriation through measures like pre-expropriation payments and rehousing.* Ms. Fouda also highlighted that the land inhabited by the Pygmy people is rich in timber and other resources, making it a prime target for extractive interests, often leading to the displacement of these communities without compensation nor recourse, epitomizing the expropriation communities are up against without the resources to adequately defend themselves.

This set of recommendations put forth by civil society organizations lays out an effective path forward to reform the land use attribution process. However, one of the main obstacles is the contradictions and conflicts with other existing laws.<sup>81</sup> For instance, the 2016 Mining Code requires mining title holders to compensate customary owners for land occupancy, which conflicts with the land use rights outlined in the 1974 Ordinances. Similarly, the 1994 Law on Forests allows land ownership transfers under conditions that contradict current land legislation. This is to say that a key hurdle in reform lies in aligning sector-specific legislation.

## ***Gabon***

During the colonial era, France as a colonial power declared itself the owner of the soil in 1899 in French Equatorial Africa.<sup>82</sup> These principles of land ownership are based on the "Torrens system" included in the Senate committee of 1894-1895.<sup>83</sup> In Gabon, the principles introduced by the Torrens system were incorporated into the first 1963 Land Law, under which land belongs to the public domain of the state and accession to private property on the issuance of a definitive title deed: the 'titre foncier'.<sup>84</sup> This colonial legal origin law can also be observed in the tensions between customary and national laws, which do not take into account the essential aspects of customary rights.<sup>85</sup>

The Constitution of the Gabonese republic recognizes the citizen's right to land through the international and regional mechanisms the country has adopted, namely, the Declaration of the Rights

---

<sup>81</sup> Nguiffo and Seigneret.

<sup>82</sup> Willy, 2012; Le Bris, 1991

<sup>83</sup> For more details, see the works of Courdemanche quoted in Le Bris & al. 1991. Le Bris, 1991.

<sup>84</sup> Legigabon. Il faut Sauver le Droit Foncier Coutumier. <https://www.legigabon.com/single-post/2020/07/10/-il-faut-sauver-le-droit-foncier-coutumier>

<sup>85</sup> Willy, 2012 *ibid*.

of Man and of the Citizen (1789) arising out of the French Revolution, the UN-devised Universal Declaration of Human Rights (1948), the African Charter of Human and Peoples Rights (1981), and the National Charter of Freedoms (1990), a domestic pledge. Article 10 of the Constitution states:

*“Each person, whether individually or collectively, has the right to property. No person may be deprived of his or her property except when required for public purpose in accordance with law and on payment of fair and advance compensation. Nevertheless, expropriation of property with respect to registered ownership rights, and undertaken for public purpose, land needs or development, is governed by law”*<sup>86</sup>.

In addition, the country has ratified several land-related treaties including the International Covenant on Political and Civil Rights (1966)<sup>87</sup>, the International Covenant on Economic, Social, and Cultural Rights (1966), and the Convention on Biological Diversity (1992).<sup>88</sup> However, Gabon has not ratified ILO 169 which does recognize customary land rights as rights of property that must be upheld as protected.<sup>89</sup> Also, the legal framework might not be explicit on the rights to land as in other countries.

The access to land ownership in the Gabonese Republic was governed by Law No. 14/1963 and Law No. 15/63 defining the state domain and defining lawful forms of land tenure. Today, land and property rights are defined under law n°3/2012 of August 13, establishing the land ownership regime in the Gabonese Republic. The different laws on land in Gabon are formulated around the formal ‘titles’ to land, with a focus on urban areas. According to the World Bank, 90% of the population in Gabon live in urban areas in 2021. In large cities such as Libreville, Port-Gentil, Oyem, and Franceville, the challenges of land are significant. Titling is crucial for the entire population of Gabon given that this is the only legal mechanism through which land rights may be acquired and legally upheld.<sup>90</sup> The procedure for ownership requires an initial survey of the plot, a determination that it is not already owned, and the issue of a provisional title. In case of expropriation, the compensation process favors those holding formal absolute titles as unrecognized owners are not eligible for compensation or might not be adequately compensated unless they hold formal permits of occupancy such as in settlement schemes, but where permits are mostly now out of date. This situation is aggravated in the case of women, given they do not often have succession rights in customary rights that they cannot assert for legal titling.

In addition, challenges include the length of the procedure, consisting of at least four departments, the cost related at every stage of the procedures, the double-selling, corruption, and also potentially the involvement of political actors' informal or formal decisions. As a result, in 2011, there were only 14,000 private property titles issued in Gabon. This means that the large majority of the people in Gabon do not possess the ‘titre foncier’ and are therefore vulnerable to dispossession.

---

<sup>86</sup> DGI., 2012.

<sup>87</sup> It reasserts the rights for people to benefit freely from their natural wealth and resources (article 1.2) See: General Assembly Resolution 2200A (XXI) of 16 December 1996, entry into force 23 March 1976. Accession by Gabon on 21 January 1983.

<sup>88</sup> Article 8 encourages the sharing of benefits from utilization of those lands

<sup>89</sup> See Wily, 2012, *ibid*.

<sup>90</sup> See Wily, 2012, *ibid*.

Besides the challenges related to lands in urban areas in Gabon, there are also challenges in rural areas, particularly on the forestry code. As the legal framework is sectorial, the key legislations on land in Gabon include the mining code (12 October 2000), the forestry code (31 December 2001), and the 'Code Agricole' (2012). Most of the territory of Gabon is covered by forest land, estimated at 88%.<sup>91</sup> Therefore, forest tenure and governance arrangements are critical. That said, one tends to forget that within this 88% of the forest, many communities have lived for centuries.

Conceptions and discourse on forests evolved in the 1990s, from the traditional forestry principle of sustained exploitation and yield to a new paradigm of "sustainable forest management."<sup>92</sup> The principle seems simple: resources must be used while ensuring their regeneration for the benefit of present and future generations. The international debate on the world's forests has greatly increased the pressure for widespread policy reform at the country level.<sup>93</sup> Following this impetus, Gabon's 1982 forestry code was amended in 2001 to incorporate aspects of sustainable management and responsible conservation of Gabon's forests. Gabon's 2001 forestry code divides the Gabonese forest estate into a Permanent Forest Estate 'Domaine Forestier Permanent de l'Etat' and a Rural Forest Domain 'Domaine Forestier Rural'<sup>94</sup>. The rural forest estate, dedicated to local populations, is reserved for pit-sawing authorizations, special cutting authorizations, mutual agreement permits, and future community forests.

Gabon's community forest law allows village communities to exploit the forest resources of the rural forest estate at their own pace and according to their own management plan. However, in the absence of a zoning plan, the rural forest estate has not yet been demarcated. There is no delimitation of the Permanent Forest Estate and the Rural Forest Domain. Indeed, since the revision of the forestry code in 2001 (law n°16/01), it has been defined "by default". As a result, community forests (decree n°1028), the only permit that explicitly assigns forest management to local communities, are relegated to areas that are currently considered "without vocation".

*"The community forest is a portion of the rural forest estate allocated to a village community with a view to carrying out activities or undertaking dynamic processes for the sustainable management of natural resources based on a simplified management plan" (Article 156)<sup>95</sup>*

According to Article 12 of the Forestry Code, the rural forestry domain is the possession of village communities that can use them in accordance with regulations to be established but that never was defined. The old forestry code of 1982 defined clearly community forests as *"a five-kilometer-wide strip on either side of railroad lines, national roads, and the navigable reaches of [certain] rivers"*<sup>96</sup>.

---

<sup>91</sup> See James, 2021

<sup>92</sup> Nielsen and al., 2004

<sup>93</sup> Brédif and Boudinot, 2001; Buttoud 2002; Barthod 2006

<sup>94</sup> See Présidence de la République Gabonaise. 2001, Loi N°016/01 portant Code Forestier en République Gabonaise. FAO <https://faolex.fao.org/docs/pdf/gab29255.pdf>

<sup>95</sup> Law n°16/2001 of December 31, 2001 on the Forestry Code in the Gabonese Republic; Decree n°001028/PR/MEFEPEPN of December 1, 2004 setting the conditions for the creation of community forests; Order n°018/MEF/SG/DGF/DFC of January 31, 2013 setting the procedures for the allocation and management of community forests in Gabon; Order n°106/MEFPRN of May 6, 2014 on the right of reservation of a forest by a village community.

<sup>96</sup> law n°01/82 and decree n°1205/PR/MEFPE of August 30, 1993

This overlap has been pointed out by one of the interviewees who stated: “*The 5 km in the forestry code of 1982 has remained in the collective memory but can’t be found in the current forestry code of 2001.*”

Technically, due to the lack of clarity as to whether forests fall within the Private or Public Property of the state, communities could be allocated these lands as their property. However, the more general tenor of the 2001 law suggests that this is unlikely and that the purpose of the Rural Forest Domain is to provide for local use, not ownership of forest land. There is, moreover, no delimitation of the Permanent Forest Estate and the Rural Forest Domain, which causes confusion as to where these domains can be found in practice, leading to overlaps.

The lack of a delimitation of the rural forest estate causes customary space of many villages to be encompassed by industrial forestry permits. As a result, the area potentially available for a community forest for example is reduced, if not non-existent.

Regarding the businesses in forestry and the communities' rights, interviews have confirmed a few challenges associated with this matter. The first is the non-compliance with the inventory of fixtures or ‘cartographie participative’. Before the attribution of forestry concessions, it is required to establish a cartography of the intended activity zone with the participation of the local communities. However, one of our interviewees, a person responsible for a NGO in Gabon stated that “*private companies do not take into account the boundaries described by the rural communities*”. According to Dr. Nguiffo Samuel,<sup>97</sup> some companies are even often given special exclusive contracts or ‘contrats exclusifs’ over concessions with areas above the 600,000ha authorized.<sup>98</sup> In addition, the non-compliance of private companies regarding the “cahier des charges” is pointed out by Dr. Nguiffo and all the interviewees from Brainforest: “*the private companies operating in the domain of forest do not often respect the ‘cahier des charges’*”.

Despite these challenges, Gabon is often presented as a good example in the Congo Basin region regarding initiatives to limit deforestation and forest degradation. Since 2000, the country has preserved much of its rainforest, creating 13 national parks, decreasing consistently deforestation rates (less than 0.08%), the nationwide whole log export ban in 2009, and creation of the National Climate Council (James, 2021). Gabon has also made significant efforts in the sustainable management of its timber resources to ensure that all forest concessions are FSC-certified. At the 2019 Climate Action Summit, Gabon signed the Central African Forest Initiative (CAFI) agreement for \$150 million in result-based payment for carbon absorption. However, there’s work still to be done regarding the protection of the local communities' rights.

The perspectives in terms of land attribution and communities' rights in Gabon are all about the responsibility of the Government that should carry out ambitious and decisive reforms to secure the rights of the citizens to land as stipulated in the Constitution. This has been confirmed by our

---

<sup>97</sup> Mr Nguiffo is a well-known Cameroonian scholar with extended expertise in land’s rights in Central Africa. He helps forest-dwelling peoples exercise their legal right to manage traditional lands.

<sup>98</sup> According to the Forestry Code, a Forest Concession under Sustainable Management (Concession Forestière sous Aménagement Durable - CFAD) may not exceed 600,000 hectares.

interviewees: political will ('la volonté politique') is the key to guaranteeing people's access and right to land in Gabon. To this end, the customary rights of people to occupy a land must be effective in national law and practice. Transparency and good governance regarding the attribution process must be promoted by the government. In practical terms, civil society awareness to sensitize communities, both rural and urban to secure their rights to land is a key aspect to drive political will. Pressurizing the government to at least carry through its longstanding legal commitments will be an achievement. Increasing links and solidarity of local NGOs and communities with regional land rights movements will be helpful, as will aiding them to constructively challenge specific injustices. Exposing policymakers to changes made by other African states, which have faced similar constraints, can help reassure powerholders that guaranteeing land and resource security, rather than dispossession, provides a fairer and less conflict-prone route to economic growth. One of the respondents mentioned the key role of the informal alliances of land-related civil society organizations and NGOs in sharing good practices in central Africa. Regarding companies operating in the domain of forests, Gabon has interestingly subscribed to the process of certification of its forest concessions, with the association of the Forest Stewardship Council (FSC) which has established an international certification label to promote the ecological, social, economic, and responsible management of forests. The FSC does not focus enough on the communities' rights. This label could be rethought or another label, exclusively dedicated to the rights of local communities in Gabon can be created to assess the company's compliance with local communities' rights.

### ***São Tomé and Príncipe (STP)***

STP is an archipelago of 1,001 km<sup>2</sup> with a population of 215,000<sup>99</sup>. The uninhabited islands were colonized by the Portuguese in 1470, who gradually transformed them into a plantation colony by converting the arable land into *roças* - plantation settlements run by white *forros* with slaves that later become laborers<sup>100</sup>. Cocoa became the dominant crop in the 1820s. This system continued until 1975 when the country became independent. The land, 86% of which was foreign-owned, was nationalized (Decree-Law No. 24/1975)<sup>101</sup>. The *roça* system remained unchanged, although it was administered by the new local *forros*-creoles of the one-party ruling elite of the MLSTP.<sup>102</sup> The end of foreign investment and expertise led to a sharp decline in cocoa production. Because of the worsening situation, in 1986 the MLSTP agreed to a WB-IMF PAE<sup>103</sup> to restore cocoa production through privatization. The five

---

<sup>99</sup> World Bank. "Sao Tomé Príncipe: Aspectos Gerais," <https://www.worldbank.org/pt/country/saotome/overview>.

<sup>100</sup> PNUD, 2002 in Dulcire, Michel. "Journal of Rural and Community Development," 2012, p. 133; Oritsejafor, Emmanuel O., and Allan D. Cooper, eds. *Africa and the Global System of Capital Accumulation*. 1st ed. Abingdon, Oxon ; New York, NY : Routledge, 2021. | Series: Routledge contemporary africa: Routledge, 2021, p. 133; Ceriaco, Luis M. P., Ricardo F. de Lima, Martin Melo, and Rayna C. Bell, eds. *Biodiversity of the Gulf of Guinea Oceanic Islands: Science and Conservation*. Cham: Springer International Publishing, 2022, p. 72; Beccio, Susan. "Investing in Rural People in Sao Tome and Principe." IFAD, 2020, p. 2

<sup>101</sup> PNUD, 2008: 54 in Fernandes, Ana Silva, Manuel Fernandes de Sá, and Rui Fernandes Póvoas. "Património luso-afro-tropical: o exemplo das roças de são tomé e príncipe. Desafios para a sua conservação e reabilitação, e o seu potencial para o desenvolvimento." 2011, p. 4; Falola, Toyin, R. Joseph Parrott, and Danielle Porter Sanchez, eds. *African Islands: Leading Edges of Empire and Globalization*. Rochester Studies in African History and the Diaspora. Rochester, NY: University of Rochester Press, 2019, p. 79-83

<sup>102</sup> Movement for the Liberation of São Tomé and Príncipe

<sup>103</sup> Structural Adjustment Program (PAE) with the World Bank and the International Monetary Fund

most profitable former *roças* went to European companies, but the program didn't produce the expected results.<sup>104</sup> In 1991, STP became a democracy, which led to the "*Lei da Terra*" (Law 3/91) and the PPADPP. Against the advice of the World Bank, STP kept the land in state ownership and introduced a perpetual renewable and inheritable usufruct for an annual fee.<sup>105</sup> The law partially dismantled the former *roças* (except for those managed by foreigners) by creating small plots. Medium-sized enterprises received most of the best ones.<sup>106</sup>

STP Universal Periodic Reviews (UPRs) and the IMF consistently showed that STP's main challenge is to be found in the rule of law. Even if the third UPR highlights the STP's progress in strengthening the judicial system, fighting corruption, and "*demonstrating its willingness to fulfill its human rights obligations*"<sup>107</sup> (including anti-discrimination measures for women).<sup>108</sup> "*Sao Tome and Principe faced material and financial challenges in executing the actions set out in the [legal] instruments*"<sup>109</sup>. This was confirmed in STP's response to the UPR.<sup>110</sup> Looking at land-related issues, the interview process highlighted how land allocation has been irregular and opaque, with implausible parameters and the political elite benefiting from the situation. Overall, land distribution has not been accompanied by the necessary infrastructure and training. Today, legal frameworks and cadasters are either non-existent or outdated. The situation has led to the perpetuation of favoritism and pre-existing inequalities.<sup>111</sup> This has increased food insecurity and weakened access to land and the constitutionally guaranteed<sup>112</sup> right to housing (45% of the beneficiaries do not live in the same community where they own land<sup>113</sup>). Looking at women's rights, the interviewee reported that women's rights have never been at the center of land allocation processes, which, with few exceptions, have focused on the empowerment of 'the man' as the economic provider.

Additionally, the inability to invest while still paying usufruct fees limits economic opportunities.<sup>114</sup> The ambiguity of land administration also leads to conflicts between strong medium-sized landowners (mostly government officials) and weak small landowners.<sup>115</sup> This process is fueled

---

<sup>104</sup> Seibert, Gerhard. "São Tomé and Príncipe 1975-2015: Politics and Economy in a Former Plantation Colony." *Estudos Ibero-Americanos* 42, no. 3 (November 24, 2016): p. 249; Falola, Parrott, and Sanchez, p. 81

<sup>105</sup> Beccio, p. 2; Seibert, 2006; Falola, Parrott, and Sanchez, p. 79-83; Padrão Temudo, 2008, p. 80; Development Bank, African, and Agricultural Privatization and Small holder Development Project. "Implementation Completion Report (IDA-23250)." The World Bank, p. 14.

<sup>106</sup> "By 1997, 112 medium-sized enterprises had received a total of 12,775 acres. From 1993 to 2003, 107,545 acres were distributed to a total of 8,735 small farmers. The average size of their plots was eight acres"; Falola, Parrott, and Sanchez, p. 84

<sup>107</sup> "Report of the Working Group on the Universal Periodic Review Sao Tome and Principe." 2021. A/HRC/47/16. Human Rights Council

<sup>108</sup> Human Rights Council, 2021, ph. 35

<sup>109</sup> Human Rights Council, 2021, ph. 31

<sup>110</sup> IMF 2014b, p. 47 in Seibert, 2016, p. 998; Human Rights Council, 2021; "Addendum. Views on Conclusions and/or Recommendations, Voluntary Commitments and Replies Presented by the State under Review." 2021. Report of the Working Group on the Universal Periodic Review Sao Tome and Principe A/HRC/47/16/Add.1.

<sup>111</sup> Seibert, Gerhard. *Comrades, Clients, and Cousins: Colonialism, Socialism, and Democratization in São Tomé and Príncipe*. CNWS Publications, vol. 73. Leiden, The Netherlands: Research School of Asian, African, and Amerindian Studies, Leiden University, 1999, p. 346-353; FAO & WB 2000 : vi, 10; Padrão Temudo, 2008, p. 88; Berthet, 2012, p. 344; Eyzaguirre, 1989, p. 677; Berthet, 2016, p. 98

<sup>112</sup> "Article 49: Housing and Environment 1. Everyone has the right to housing and an environment of human life and the duty to protect it. 2. It is the State's duty to plan and implement a housing policy inserted within territorial plans." (Lei n° 1/2003)

<sup>113</sup> Seibert, 1999, p. 346-349; Dulcire, Michel. "Journal of Rural and Community Development," 2012, p. 133. Padrão Temudo, 2008, p. 8; UN Habitat, 2019; Narciso et al., 2020, p. 71; Bonfim da Fonseca, Cristino Mandinga. "The Role of Value Chains Analysis in Agricultural Sector. The Case of Pepper Alue Chains in São Tomé e Príncipe." Universidade Nova de Lisboa, 2022.

<sup>114</sup> Falola, Parrott, and Sanchez, 2019

<sup>115</sup> Seibert, 1999, p. 351; Padrão Temudo, 2008, p. 83

by increasing unregulated urbanization.<sup>116</sup> On the environmental front, an environmental framework has been established but is poorly enforced.<sup>117</sup>

Lastly, in the absence of a pre-colonial population, and with the relatively rapid institution of the *roças* system, the PPADP sought to create “*not only of a model of rural development, but of rurality itself*”<sup>118</sup>. As a result, most customary practices are not pre-colonial but are the result of a failure of either the state or land allocation and, according to one interview, are not respected. Rural workers have adopted alternative strategies to meet their basic needs, including the illegal use of land for subsistence and a large informal land title market.<sup>119</sup>

Finally, as Just Atonement Inc. also noted in the UPR, there is a “*lack of reporting to international and regional human rights mechanisms and related general recordkeeping. [...] this situation made it very difficult to assess the extent of human rights violations and its consequences*”<sup>120</sup>. Therefore, it is difficult to identify how “*land is a barrier to agricultural development, especially for women and youth,*”<sup>121</sup> as confirmed by the interviewee, and the potential for human rights violations and conflict.<sup>122</sup>

---

<sup>116</sup> “Sao Tome And Principe 2021 Human Rights Report.” Country Reports on Human Rights Practices for 2021. United States Department of State, 2021, p. 1; Berthet, 2016, p. 983; Seibert, 1999, p. 351; Padrão Temudo, 2008, p. 83; UN Habitat – Sao Tome; “Biodiversity of the Gulf of Guinea Oceanic Islands: Science and Conservation”, 2022, p. 78; INESTP 2012c in Biodiversity of the Gulf of Guinea Oceanic Islands: Science and Conservation”, 2022, p. 78.

<sup>117</sup> Ceríaco et al., 2022, p. 82

<sup>118</sup> Seibert, Gerhard. *Comrades, Clients, and Cousins: Colonialism, Socialism, and Democratization in São Tomé and Príncipe*. CNWS Publications, vol. 73. Leiden, The Netherlands: Research School of Asian, African, and Amerindian Studies, Leiden University, 1999, p. 71

<sup>119</sup> FAO & WB 2000 : vi, 10; Padrão Temudo, 2008, p. 88; Berthet, 2012, p. 344; Eyzaguirre, 1989, p. 677; Berthet, Marina Annie. “Reflexões sobre as roças em São Tomé e Príncipe.” *Estudos Históricos (Rio de Janeiro)* 25, no. 50 (December 2012): p. 344; Berthet, Marina. “São Tomé e Príncipe: reflexões sobre alguns aspectos de sua história agrícola no pós-independência.” *Estudos Ibero-Americanos* 42, no. 3 (November 24, 2016): p. 98; Agriculture in Sao Tome e Principe. Policy and Investment Options (1999)

<sup>120</sup> “Compilation on Sao Tome and Principe.” 2020. Report of the Office of the United Nations High Commissioner for Human Rights A/HRC/WG.6/37/STP/2. Human Rights Council, ph. 5

<sup>121</sup> Beccio, p. 2

<sup>122</sup> United States Department of State, 2021; Oritsejafor and Cooper, 2021, p. 95

## ***Regional Best Practice Recommendations and Conclusion***

There are many challenges to ensuring equitable land use attribution in Central Africa, as exemplified by our case studies in Cameroon, Gabon, and São Tomé and Príncipe. The historical influences, the tension between customary and statutory laws, and the power dynamics between big business, government, and local communities are significant and entrenched obstacles. However, land is not merely a physical asset to be fought over. It's a critical, non-negotiable component of the livelihoods, cultural identity, and well-being of the local communities who depend on it. It is the foundation of their existence, their sustenance, their economic well-being, their traditions, and their futures. As we move forward, it's imperative that policies and practices, particularly from national governments, evolve to better recognize and protect the rights of these communities, and that these policies are enforced as they are written. The struggle for fair, people-first land use attribution is not just a matter of good policy but will also serve bellwether for the region's record on human rights and sustainable development.

Each of these recommendations will require significant commitment and cooperation from all stakeholders, including government entities, civil society organizations, local communities, and international partners. However, implementing these measures could contribute significantly to protecting local communities' rights, promoting sustainable land use, and ultimately fostering equitable development and access to land across Central Africa.

### ***Recommendations for National Governments***

1. **Recognize communal land rights to prevent large-scale land acquisitions that negatively impact marginalized communities:** National and local governments should enact legislation that formally acknowledges and protects communal land ownership, particularly in regions inhabited by marginalized or indigenous communities. Examples of implementation could include the registration of communal lands to prevent large corporations from acquiring these lands for large-scale agricultural use or other extractive purposes.
2. **Formally acknowledge the role of customary rights in land use attribution practices:** National governments should incorporate customary laws into the formal legal framework, thus ensuring these traditional norms are respected and considered during land allocation. This should also include creating methods and practices for dispute resolution that ensure local communities have a seat at the table.
3. **Increase local representation in national decision-making on land use attribution policies (i.e., decentralized system):** Governments should more effectively include local community leaders, indigenous representatives, and small-scale farmers in national decision-making bodies related to land use. Local input could ensure policies are relevant to the realities on the ground, as well as more effectively address local needs.



4. **Modernize legal framework on land to ensure they are not contradictory to existing law, removing obstacles to implementation:** Governments should review and reform existing land laws to identify and resolve contradictions to make legal framework clearer, more accessible, and more effective.
5. **Set up a specific label on socially responsible exploitation (with explicit respect to local customary populations' rights to their use) of resources by private companies:** The FSC in Gabon and Cameroon is a good example but does not explicitly demonstrate the specific compliance to the right of local communities as a criterion.
6. **Be transparent and inclusive in land management:** Transparency and inclusivity are critical aspects of land use attribution, to which every citizen has a right according to the constitutions of these countries.

### *Recommendations for International Organizations*

1. **Train local communities on processes of land use attribution:** Governments should implement education and capacity-building initiatives that enable local communities to better understand and navigate the processes related to land attribution. This could include workshops on legal rights and land use options.
2. **Promote sustainable land use practices (e.g., organic farming, agroforestry, land conservation):** Governments and NGOs should implement programs that provide education and resources for farmers and local communities to adopt more sustainable land practices. This could include training programs on organic farming, initiatives to promote agroforestry, and measures to protect and conserve more biodiversity-rich land areas. Financial incentives such as tax write-offs could be provided to further encourage these kinds of practices.
3. **Support research projects and data collection on the rights of people to land** to inform public opinion and raise awareness on land-related issues.

## Bibliography

- Abreu, Isabel Cancela de, Susana Pinto, and et al. 2020. “Energias Renováveis e Eficiência Energética Em São Tomé e Príncipe - Relatório Nacional Do Ponto de Situação.”
- Abu-Raya, Rafael de Sousa. 2022. “A Rede de Roças de São Tomé e Príncipe.”
- African Union. 1981. African Charter on Human and Peoples' Rights. African Union. [https://au.int/sites/default/files/treaties/36390-treaty-0011\\_-\\_african\\_charter\\_on\\_human\\_and\\_peoples\\_rights\\_e.pdf](https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf)
- African Union. 2003. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WG/ProtocolontheRightsofWomen.pdf>
- “Addendum. Views on Conclusions and/or Recommendations, Voluntary Commitments and Replies Presented by the State under Review.” 2021. Report of the Working Group on the Universal Periodic Review\* Sao Tome and Principe A/HRC/47/16/Add.1.
- Albertus, Michael. 2021. *Property Without Rights. Origins and Consequences of the Property Rights Gap*. Cambridge Studies in Comparative Politics.
- Assembe-Mvondo, Samuel. 2013. “Local Communities’ and Indigenous Peoples’ Rights to Forests in Central Africa: From Hope to Challenges.” *Africa Spectrum* 48 (1): 25–47. <https://doi.org/10.1177/000203971304800102>.
- Assies, Willem. “Land Tenure, Land Law and Development: Some Thoughts on Recent Debates.” *The Journal of Peasant Studies* 36, no. 3 (July 2009): 573–89. <https://doi.org/10.1080/03066150903142824>.
- Atyi Eba’a, R., F. Hiol, and G. Lescuyer. 2022. *The Forests of the Congo Basin: State of the Forests 2021*. Center for International Forestry Research (CIFOR). <https://doi.org/10.17528/cifor/008700>.
- Baaboh, Feh Henry. n.d. “Cameroon Legal System.” Accessed June 27, 2023. <https://www.hg.org/legal-articles/cameroon-legal-system-7155>.
- Barros, Edlena. 2011. “Roças nacionalizadas de São Tomé votadas ao abandono.” 2011. <https://www.dw.com/pt-002/roças-nacionalizadas-de-são-tomé-votadas-ao-abandono/a-6629379>.
- Beccio, Susan. 2020. “Investing in Rural People in Sao Tome and Principe.” IFAD.
- Berthet, Marina. 2016. “São Tomé e Príncipe: reflexões sobre alguns aspectos de sua história agrícola no pós-independência.” *Estudos Ibero-Americanos* 42 (3): 961. <https://doi.org/10.15448/1980-864X.2016.3.23107>.
- Berthet, Marina Annie. 2012. “Reflexões sobre as roças em São Tomé e Príncipe.” *Estudos Históricos (Rio de Janeiro)* 25 (50): 331–51. <https://doi.org/10.1590/S0103-21862012000200004>.
- Bonfim da Fonseca, Cristino Mandinga. 2022. “The Role of Value Chains Analysis in Agricultural Sector. The Case of Pepper Value Chains in São Tomé e Príncipe.” Lisbon: Universidade Nova de Lisboa.
- Ceríaco, Luis M. P., Ricardo F. de Lima, Martim Melo, and Rayna C. Bell, eds. 2022. *Biodiversity of the Gulf of Guinea Oceanic Islands: Science and Conservation*. Cham: Springer International Publishing. <https://doi.org/10.1007/978-3-031-06153-0>.
- CETIM. “Le Droit à la terre” (2014). <https://www.cetim.ch/wp-content/uploads/Droit----la-terre-A4.pdf>
- Chanock, Martin. “A Peculiar Sharpness: An Essay on Property in the History of Customary Law in Colonial Africa.” *The Journal of African History* 32, no. 1 (1991): 65–88.
- Chauvet C., “*Au Gabon, la réforme du foncier revient dans le débat économique*”. (2019). Jeune Afrique. <https://www.jeuneafrique.com/861941/economie/au-gabon-la-reforme-du-foncier-revient-dans-le-debat-economique/>
- Chigara, Ben, ed. 2012. *Re-Conceiving Property Rights in the New Millennium: Towards a New Sustainable Land Relations Policy*. New York: Routledge.
- Cismas, Ioana, and Patricia Paramita. 2015. “Large-Scale Land Acquisitions in Cambodia: Where Do (Human Rights) Law and Practice Meet?” *Revue Internationale de Politique de Développement*, no. 6 (October). <https://doi.org/10.4000/poldev.2051>.

- Committee on Economic, Social and Cultural Rights. 2022. “General Comment No. 26 (2022) on Land and Economic, Social and Cultural Rights.” ECOSOC. <https://doi.org/10.4060/i2801e>.
- Cook, Dr John S. 2001. “The Influence of Human Rights on Land Rights and Spatial Information.”
- Coomans, F. 2003. The Ogoni Case before the African Commission on Human and Peoples’ Rights. *The International and Comparative Law Quarterly*, 52(3), 749–760. <http://www.jstor.org/stable/3663335>
- Deininger, Klaus, Daniel Ayalew Ali, and Tekie Alemu. “Impacts of Land Certification on Tenure Security, Investment, and Land Market Participation: Evidence from Ethiopia.” *Land Economics* 87, no. 2 (2011): 312–34. <http://www.jstor.org/stable/41307216>.
- De Schutter, Olivier. 2010. “The Emerging Human Right to Land.” *International Community Law Review* 12 (3): 303–34. <https://doi.org/10.1163/187197310X513725>.
- De Schutter, Olivier. 2015. “The Role of Property Rights in the Debate on Large-Scale Land Acquisitions.” *Revue Internationale de Politique de Développement*, no. 6 (October). <https://doi.org/10.4000/poldev.2026>.
- Development Bank, African, and Agricultural Privatization and Smallholder Development Project. 2001. “Implementation Completion Report (IDA-23250).” 22497. The World Bank.
- DGI. La Constitution de la République Gabonaise. 2012 DGI <https://www.dgi.ga/object.getObject.do?id=1120>
- Dulcire, Michel. 2012. “Journal of Rural and Community Development.”
- Enemark, Stig, Line Hvingel, and Daniel Galland. 2014. “Land Administration, Planning and Human Rights.” *Planning Theory* 13 (4): 331–48. <https://doi.org/10.1177/1473095213517882>.
- Eyzaguirre, Pablo B. 1989. “The Independence of São Tomé e Príncipe and Agrarian Reform.” *The Journal of Modern African Studies* 27 (4): 671–78. <https://doi.org/10.1017/S0022278X00020498>.
- Falola, Toyin, R. Joseph Parrott, and Danielle Porter Sanchez, eds. 2019. *African Islands: Leading Edges of Empire and Globalization*. Rochester Studies in African History and the Diaspora. Rochester, NY: University of Rochester Press.
- FAO. 2015. “Sao Tome and Principe and FAO. Building Resilience and Food and Nutrition Security.” 5/2015/2. FAO.
- FAO. 2022. “Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.” FAO. <https://doi.org/10.4060/i2801e>.
- Fernandes, Ana Silva, Manuel Fernandes de Sá, and Rui Fernandes Póvoas. 2011. “Património Luso-Afro-Tropical: O Exemplo Das Roças De São Tomé E Príncipe. Desafios Para A Sua Conservação E Reabilitação, E O Seu Potencial Para O Desenvolvimento.”
- Frynas, Jędrzej George, Geoffrey Wood, and Ricardo M. S. Soares de Oliveira. 2003. “Business and Politics in São Tomé e Príncipe: From Cocomonoculture to Petro-state.” *African Affairs* 102 (406): 51–80. <https://doi.org/10.1093/oxfordjournals.afraf.a138811>.
- German Federal Ministry for Economic Cooperation and Development. n.d. “The Heavy Legacy of Colonialism.” Accessed June 18, 2023. <https://www.bmz.de/en/countries/cameroon/background-52204>.
- “German Kamerun 1884-1816.” In *Encyclopedia Britannica*. Accessed June 18, 2023. <https://www.britannica.com/place/Cameroon/German-Kamerun-1884-1916>.
- Ghanem, Hafez. “Combinar a Ambição para as Alterações Climáticas com a Ação Coletiva.” World Bank - Blogs, 2021. <https://blogs.worldbank.org/pt/nasikiliza/combinar-ambicao-para-alteracoes-climaticas-com-acao-coletiva>
- Gironde, Christophe, and Christophe Golay. 2015. “Large-Scale Land Acquisitions, Livelihoods and Human Rights in South-East Asia.” *Revue Internationale de Politique de Développement*, no. 6 (October). <https://doi.org/10.4000/poldev.2065>.
- Golay, Christophe. 2015. “Identifying and Monitoring Human Rights Violations Associated with Large-Scale Land Acquisitions.: A Focus on United Nations Mechanisms and South-East Asia.” *Revue Internationale de Politique de Développement*, no. 6 (October). <https://doi.org/10.4000/poldev.2050>.
- Golay, Christophe, The Right to Land and the UNDROP. How Can We Use the United Nations Declaration on The Rights of Peasants and Other People Working in Rural Areas to Protect the Right to Land? Geneva Academy, 2020.

- Golay, Christophe, and Ioana Cismas. 2010. "Legal Opinion: The Right to Property from a Human Rights Perspective." *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.1635359>.
- Golay, Christophe, and Irene Biglino. "Human Rights Responses to Land Grabbing: A Right to Food Perspective." *Third World Quarterly* 34, no. 9 (October 2013): 1630–50. <https://doi.org/10.1080/01436597.2013.843853>
- Graça, Ramusel. 2013. "Governo São-Tomense Redistribui Terras Para Combater Pobreza." 2013. <https://www.dw.com/pt-002/governo-são-tomense-redistribui-terras-para-combater-pobreza/a-16966265>.
- Hellum, Anne, and Bill Derman. 2004. "Land Reform and Human Rights in Contemporary Zimbabwe: Balancing Individual and Social Justice Through an Integrated Human Rights Framework." *World Development* 32 (10): 1785–1805. <https://doi.org/10.1016/j.worlddev.2004.07.001>.
- Human Rights Council. "National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21\* Sao Tome and Principe." 2020. A/HRC/WG.6/37/STP/1.
- Human Rights Council. "Report of the Working Group on the Universal Periodic Review\* Sao Tome and Principe." 2021. A/HRC/47/16.
- Human Rights Council. "Compilation on Sao Tome and Principe." 2020. Report of the Office of the United Nations High Commissioner for Human Rights A/HRC/WG.6/37/STP/2.
- Human Rights Council. "Summary of Stakeholders' Submissions on Sao Tome and Principe." 2020. Report of the Office of the United Nations High Commissioner for Human Rights A/HRC/WG.6/37/STP/3.
- IFAD. 2021. "Republic of São Tomé and Príncipe, Country Strategy Note 2019-2021."
- International Land Coalition. 2021. "Uniting for Land Rights in Cameroon." Cameroon National Engagement Strategy. [https://d3o3cb4w253x5q.cloudfront.net/media/documents/ILC\\_contribution\\_analysis\\_2021\\_6\\_cameroon\\_low\\_res.pdf](https://d3o3cb4w253x5q.cloudfront.net/media/documents/ILC_contribution_analysis_2021_6_cameroon_low_res.pdf).
- James F. Gabon leads Africa in the preservation and conservation of forests. UNDP. 2021. <https://www.undp.org/africa/blog/gabon-leads-africa-preservation-and-conservation-forests>
- Künnemann, Rolf, and Sofía Monsalve Suárez. "International Human Rights and Governing Land Grabbing: A View from Global Civil Society." *Globalizations* 10, no. 1 (February 2013): 123–39. <https://doi.org/10.1080/14747731.2013.760933>.
- Kiye, Mikano Emmanuel. 2015. "Conflict Between Customary Law and Human Rights in Cameroon: The Role of the Courts in Fostering an Equitably Gendered Society." *African Study Monographs* 36 (2): 75–100.
- Kiye, Mikano Emmanuel. 2021. "Customary Law in Anglophone Cameroon and the Repugnancy Doctrine: An Insufficient Complement to Human Rights." *Ufahamu: A Journal of African Studies* 42 (2). <https://escholarship.org/content/qt3jm9186m/qt3jm9186m.pdf?t=qvkwtp>
- Legigabon. 2020. Il Faut Sauver Le Droit Foncier Coutumier. <https://www.legigabon.com/single-post/2020/07/10/-il-faut-sauver-le-droit-foncier-coutumier>
- Kyle, Steven. 1999. "Agriculture in Sao Tome e Principe: Policy and Investment Options." Cornell University, Ithaca, New York 14853-7801 USA: Department of Agricultural, Resource, and Managerial Economics.
- Le Bris, Émile. 1991. Crise urbaine et effets urbains de la crise: le cas de l'Afrique noire. *Espaces et sociétés*, 65, 61-82. <https://doi.org/10.3917/esp.1991.65.0085>
- Legigabon. Il faut Sauver le Droit Foncier Coutumier. <https://www.legigabon.com/single-post/2020/07/10/-il-faut-sauver-le-droit-foncier-coutumier>
- Leonard, Rebeca, and Judy Longbottom. 2000. "Land Tenure Lexicon: A Glossary of Terms from English and French Speaking West Africa." *Land Tenure and Resource Access in West Africa*, January.
- Malleson, Ruth, Stella Asaha, Terry Sunderland, Philip Burnham, Martins Egot, Kwaku Obeng-Okrah, Imabong Ukpe, and Wendy Miles. 2008. "A Methodology for Assessing Rural Livelihood Strategies in West/Central Africa: Lessons from the Field" 4 (1).
- Martignoni, Joanna Bourke, ed. 2023. *Agricultural Commercialization, Gender Equality and the Right to Food: Insights from Ghana and Cambodia*. Earthscan Food and Agriculture. Abingdon, Oxon ; New York, NY: Routledge.

- Mennen, Tiernan. 2022. "Customary Law and Land Rights In South Sudan."
- Mikulewicz, Michael. 2021. "Disintegrating Labour Relations and Depoliticised Adaptation to Climate Change in Rural São Tomé and Príncipe." *Area* 53 (3): 422–30. <https://doi.org/10.1111/area.12630>.
- Narciso, Alessandra, Stefania Aphel Barzini, and Annalisa Di Nuzzo. 2020. "Discovering Neverland: São Tomé e Príncipe and the Development of the Agricultural Heritage of a Multi-Ethnic Population." *Journal of Agriculture and Environment for International Development (JAEID)* 114 (2): 63–84. <https://doi.org/10.12895/jaeid.20202.1376>.
- Nguema Ondo Obiang S. "La problématique foncière au Gabon et la nécessité de son ouverture vers l'extérieur". (2009). International Federation of Surveyors
- Nguiffo, Samuel, and Amaelle Seigneret. 2021. "IIED Briefing: Land Reform in Cameroon: A Coherent Vision from Civil Society." International Institute for Environment and Development. <https://www.iied.org/20126iied>.
- Nielsen, E. & Rice, R. 2004. Gestion durable des forêts et incitations directes à la conservation de la diversité. *Revue Tiers Monde*, 177, 129-152. <https://doi.org/10.3917/rtm.177.0129>
- Obame S. "L'accession entre Particuliers à la Propriété Foncière en Droit Gabonais". (2021). Village de la Justice. <https://www.village-justice.com/articles/accession-entre-particuliers-propriete-fonciere-droit-gabonais,38783.html>
- Ordway, Elsa M., Rosamond L. Naylor, Raymond N. Nkongho, and Eric F. Lambin. 2019. "Oil Palm Expansion and Deforestation in Southwest Cameroon Associated with Proliferation of Informal Mills." *Nature Communications* 10 (1): 114. <https://doi.org/10.1038/s41467-018-07915-2>.
- Oritsejafor, Emmanuel O., and Allan D. Cooper, eds. 2021. *Africa and the Global System of Capital Accumulation*. 1st ed. Abingdon, Oxon ; New York, NY : Routledge, 2021. | Series: Routledge contemporary africa: Routledge. <https://doi.org/10.4324/9781003017486>.
- Padrão Temudo, Marina. 2008. "De serviçal a camponês: A persistência das desigualdades sociais em São Tomé e Príncipe." *Lusotopie* 15 (2): 71–94. <https://doi.org/10.1163/17683084-01502004>.
- Présidence de la République Gabonaise. (2001). Loi N°016/01 portant Code Forestier en République Gabonaise. FAO <https://faolex.fao.org/docs/pdf/gab29255.pdf>
- Roudart, Laurence, and Marcel Mazoyer. 2015. "Large-Scale Land Acquisitions: A Historical Perspective." *Revue Internationale de Politique de Développement*, no. 6 (October). <https://doi.org/10.4000/poldev.2088>.
- Sandrine Kouba, Brendan Schwartz, and Emile Beauchamp. 2020. "Securing Land Rights in Cameroon: What Hasn't Worked and What Should Be Done." *International Institute for Environment and Development*. <https://www.jstor.org/stable/resrep25164?seq=1>.
- Seibert, Gerhard. 1995. "A política num micro-Estado : São Tomé e Príncipe, ou os conflitos pessoais e políticos na génese dos partidos políticos." *Lusotopie*, n°2, 1995. *Transitions libérales en Afrique lusophone*, 239–50.
- Seibert, Gerhard. *Comrades, Clients, and Cousins: Colonialism, Socialism, and Democratization in São Tomé and Príncipe*. CNWS Publications, vol. 73. Leiden, The Netherlands: Research School of Asian, African, and Amerindian Studies, Leiden University, 1999.
- Seibert, Gerhard. "São Tomé and Príncipe 1975-2015: Politics and Economy in a Former Plantation Colony." *Estudos Ibero-Americanos* 42, no. 3 (November 24, 2016): 987. <https://doi.org/10.15448/1980-864X.2016.3.22842>.
- Special Rapporteur on adequate housing. "Basic Principles and Guidelines on Development-Based Evictions and Displacement." Annex 1 of the report of the Special Rapporteur on adequate housing as a component
- Torvikey, Gertrude Dzifa, and Atudiwe P. Atupare. 2022. "Legal Pluralism, Gender Justice, and Right to Food in Agrarian Ghana." In *Agricultural Commercialization, Gender Equality and the Right to Food*, by Joanna Bourke Martignoni, Christophe Gironde, Christophe Golay, Elisabeth Prügl, and Dzodzi Tsikata, 1st ed., 188–203. London: Routledge. <https://doi.org/10.4324/9781003202004-13>.
- "UN-Habitat Country Programme Document for São Tomé And Príncipe." 2019. V02. UN Habitat. UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 12: The Right to Adequate Food (Art. 11 of the Covenant), 12 May 1999

- UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, ph. 1
- UN General Assembly, United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas : resolution / adopted by the General Assembly, 28 September 2018, A/HRC/RES/39/12
- UN General Assembly, United Nations Declaration on the Rights of Indigenous Peoples : resolution / adopted by the General Assembly, 2 October 2007, A/RES/61/295
- UN General Assembly. 1979. Convention on the Elimination of All Forms of Discrimination Against Women. Treaty Series, vol. 1249, p. 13.
- UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171
- UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3
- UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III)
- “UN-Habitat Country Programme Document For São Tomé And Príncipe.” UN Habitat, June 14, 2019.
- United Nations. 1980. “United Nations: Convention on the Elimination of All Forms of Discrimination Against Women.” *International Legal Materials* 19 (1): 33–45.  
<https://doi.org/10.1017/S0020782900043448>.
- United States Department of State. 2021. “Sao Tome And Principe 2021 Human Rights Report.” Country Reports on Human Rights Practices for 2021.
- Various Contributors. 2016. “Land Reform in Cameroon: Common Position Paper of Civil Society Organizations.” National Engagement Strategy on Land Governance in Cameroon. Yaoundè, Cameroon. <https://namati.org/wp-content/uploads/2017/03/Land-Reform-in-Cameroon.pdf>.
- Wendt, Alexander. 1998. “On Constitution and Causation in International Relations.” *Review of International Studies* 24 (5): 101–18.
- Wickeri, Elisabeth, and Anil Kalhan. 2010. “Land Rights Issues in International Human Rights Law.”
- World Bank. 2018a. “Rural Population - Cameroon.” 2018.  
<https://data.worldbank.org/indicator/SP.RUR.TOTL?locations=CM>.
- World Bank. 2018b. “Rural Population (% of Total Population) - Cameroon.”  
<https://data.worldbank.org/indicator/SP.RUR.TOTL.ZS?locations=CM>.
- World Bank. 2021. Population urbaine (% du total) - Gabon  
<https://donnees.banquemondiale.org/indicateur/SP.URB.TOTL.IN.ZS?locations=GA>
- World Bank. 2023 “Sao Tomé Príncipe: Aspectos Gerais.” Accessed May 3, 2023.  
<https://www.worldbank.org/pt/country/saotome/overview>.
- World Bank. “Sao Tomé Príncipe: Aspectos Gerais,”  
<https://www.worldbank.org/pt/country/saotome/overview>.
- Wickeri, Elisabeth, and Anil Kalhan. *Land Rights Issues in International Human Rights Law*. Malaysian Journal on Human Rights, Vol. 4, No. 10, 2010.
- Wily A. “*Les Droits Fonciers au Gabon, faire face au Passé - et au Présent*”. (2012). FERN.  
<https://www.fern.org/fr/publications-insight/les-droits-fonciers-au-gabon-faire-face-au-passe-et-au-present-850/>
- Zabalza A., “*La Terre le Droit*”. (2017). Éditions Bière.