

Co-funded by / Co-financé par



# Respecting the Land Ownership Rights of Both Internally Displaced Persons and Host Communities

*An Analysis of the land acquisition process for the settlement of refugees and IDPs in Cameroon*

Sandrine Kouba and Guy Lebrun Ambomo

September 2020

# About the project

## LandCam: Securing land and resource rights and improving governance in Cameroon

Timeline: February 2017 - January 2022

The LandCam project aims to develop innovative approaches to facilitate inclusive dialogue at the national level, based on lessons learned from past experiences, to improve land governance.

LandCam promotes learning, throughout the ongoing reform of Cameroon's land legislation and will contribute to building the capacity of actors at the local, regional and national levels. LandCam works with key stakeholders across Cameroon to improve customary and formal rights to land and natural resources by piloting innovations in land governance at the local level and contributing to sustainable policy reforms. New spaces will be created for more informed, effective and inclusive dialogue and analysis, with the participation of stakeholders. LandCam monitors changes on the ground, monitor legal reforms and share lessons learned nationally and internationally.

## Who are we?

IIED, CED and RELUFA are the organisations implementing the LandCam project, working closely with a wide range of partners in Cameroon and internationally.



### Institut International pour l'Environnement et le Développement (IIED)

IIED promotes sustainable development by linking local priorities to global challenges. IIED supports some of the world's most vulnerable populations to make their voices heard in decision-making.



### Centre pour l'Environnement et le Développement (CED)

CED is an independent organisation working to promote environmental justice and protect the rights, interests, culture and aspirations of local and indigenous communities in Central Africa. As an active member of several networks, the CED has succeeded over the years to mobilise allies to influence positively legal frameworks, monitor natural resource exploitation activities, sustainably build the capacities of dozens of local communities, and produce important scientific and advocacy documentation.



### Réseau de Lutte contre la Faim (RELUFA)

RELUFA (Network for the Fight Against Hunger) is a platform of civil society and grassroots community actors created in 2001, which aims to address systemic problems that lead to poverty, hunger and social, economic and environmental injustices in Cameroon. The RELUFA's work is based on three programs: Equity in Extractive Industries; Land and Resource Justice; and Food and Commercial Justice.

*This report was produced by RELUFA as part of the LandCam project with financial support from the European Union. Its content is the sole responsibility of its authors and cannot in any way be seen as reflecting the views of the European Union, IIED or the CED.*

# CONTENT

ACRONYMS .....	4
INTRODUCTION .....	5
METHODOLOGY .....	7
<b>THE LEGAL FRAMEWORK FOR THE PROTECTION OF PERSONS DISPLACED FOR SECURITY REASONS AND ACCESS TO LAND IN CAMEROON .....</b>	<b>9</b>
I. LEGAL FRAMEWORK FOR THE PROTECTION OF REFUGEES AND INTERNALLY DISPLACED PERSONS IN CAMEROON .....	9
1. The international and regional normative regime for the protection of refugees and internally displaced persons .....	9
2. The normative framework for the protection of refugees and internally displaced persons in Cameroon .....	11
3. The Institutional Framework for the Protection of Refugees at International and National levels .....	12
II. LAND ACCESS MANAGEMENT IN CAMEROON AND THE RIGHTS OF REFUGEES AND INTERNALLY DISPLACED PERSONS .....	13
1. Overview of statutory law on land management in Cameroon .....	13
2. The primacy of the customary system on access to land .....	15
<b>THE ALLOCATION AND SELECTION OF REFUGEES AND INTERNALLY DISPLACED PERSONS SITES IN THE FIELD .....</b>	<b>17</b>
I. DESCRIPTION OF THE STUDY AREA .....	17
II. LAND USE BEFORE THE ARRIVAL OF REFUGEES .....	19
III. REFUGEE CAMP SITE SELECTION PROCESS (ACTORS AND SELECTION CRITERIA) .....	20
IV. LAND ACQUISITION PROCESS FOR REFUGEES AND CAMP SETTLEMENT .....	24
V. INVOLVEMENT OF HOST COMMUNITIES IN THE LAND ALLOCATION PROCESS (CONSULTATION AND PARTICIPATION) FOR THE SETTING UP OF REFUGEES AND IDPs CAMPS .....	24
VI. COMPENSATION FOR DEVELOPMENT AND LAND LOSSES .....	26
VII. FATE OF THE LAND AFTER THE REFUGEES DEPARTURE.....	27
VIII. PROCEDURE FOR REFUGEES AND INTERNALLY DISPLACED PERSONS TO ACQUIRE LANDS BEYOND THE REFUGEE CAMP .....	28
IX. EFFECTS OF REFUGEES AND IDPs SETTLEMENTS .....	29
RECOMMENDATIONS .....	32
CONCLUSION .....	35
REFERENCES .....	36
BIBLIOGRAPHY AND WEBOGRAPHY .....	37

## ACKNOWLEDGEMENTS

---

The study's editorial team would like to extend special thanks to Amaelle Seigneret, Brendan Schwartz, Emilie Beauchamp of the International Institute for Environment and Development (IIED) and Samuel Nguiffo of Center for Environment and Development (CED) for their valuable contributions.

## ACRONYMS

---

- CAR:** Central African Republic
- CESR:** Eligibility Committee for Refugee Status
- CSO:** Civil Society Organization
- FPIC:** Free, Prior and Informed Consent
- FAO:** Food and Agriculture Organization of the United Nations
- IDP:** Internally Displaced Persons
- IOM:** International Organization for Migration
- IRRI:** International Refugee Rights Initiative
- MINDCAF:** Ministry of State Property, Surveys and Land Tenure
- NRC:** Norwegian Refugee Council
- NGOs:** Non-Governmental Organization
- OAU:** Organization of African Unity
- UNDP:** United Nations Development Programme
- UNHCR:** The United Nations High Commissioner for Refugees
- VGGT:** Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forestry in the Context of National Food Security
- WFP:** World Food Programme

# INTRODUCTION

Cameroon has a great tradition of welcoming refugees from neighbouring countries. In the past, this was justified by its political stability, albeit punctuated by occasional disturbances like the Bakassi conflict.

Within the country, people moved more because of natural disasters (floods, droughts, etc.) and this was temporary. From the 1970s, the government organised population movements from areas with permanent water deficits for areas considered more favourable to agriculture, in particular the Benue Valley, to facilitate the implementation of development projects.

Currently, there are several internal and external crises plaguing Cameroon and causing numerous population displacements. These include the crisis in the Central African Republic (CAR), Boko Haram's repeated attacks in the border strip with Nigeria and the political crisis in the Northwest and Southwest regions of the country.

Cameroon shares 800 kilometres of common border with the CAR, and is host to the largest number of Central African refugees. According to Tamekamta (2018), they are settled in more than 314 sites and villages scattered in the administrative regions of the North, Adamaoua and especially the East. The latter was identified by the UNHCR as the main settlement for Central African refugees. In 2017, the Far North region welcomed nearly 90,000 Nigerian refugees, 58,000 of whom are in the Minawao camp, that stretches over 623 hectares, about 33,000 living in neighbouring villages (UNHCR, 2017) and nearly 200,000 internally displaced persons (Lémougué et al., 2019).

These camps and settlement sites often occupy areas previously inhabited and used by host communities for their production activities, and are governed both by customary law according to which the latter are legitimate owners, and by modern law which does not recognize this ownership. The host communities themselves often live in precarious conditions. Indeed, they suffer from food insecurity, limited access to basic social services and economic infrastructure, inadequate livelihoods and degradation of natural resources (WFP, 2017). In a context where host communities themselves are vulnerable and depend on these spaces for their survival, they may perceive refugees as a threat to their livelihoods.

These findings have therefore raised questions about the land acquisition process for the settlement of refugees and internally displaced persons (IDPs) and the participation of host communities in this process in Cameroon.

The purpose of this study is to analyse the legal framework relating to land acquisition for the settlement of refugees and IDPs in line with the land rights of host communities. At a time when the Land law is being revised, it is necessary to formulate proposals that factor in the migratory context created by conflicts.

Scientifically it should be noted that, there exist little literature on issues related to the land acquisition process for the settlement of refugees in the host country, but more on issues related to access to land for returnees during the repatriation of refugees and/or the resettlement of internally displaced persons.

This study therefore seeks to answer the following questions:

- What is the legal status of the land allocated for refugee camps?
- How is the allocation and choice of places to serve as refugee camps effectively carried out?
- What process do refugees follow to acquire land beyond the refugee camp?
- What conclusions and recommendations does the analysis of these different issues evoke for the different stakeholders involved?

## METHODOLOGY

---

This study uses the qualitative approach to obtain rich, numerous, detailed, nuanced and varied information from a small number of people. Two data collection techniques were used namely:

- A literature review of the Cameroonian and international legal framework, and international experiences to learn from the challenges and best practices of other countries;
- Individual and group interviews with members of host communities of refugee camps, IDPs, local Civil Society Organizations (CSOs), traditional authorities, some UNHCR officials and representatives of devolved Government services concerned.

Snowball-type sampling was used to identify those who farmed the land before the camps were set up. Thus, the gateway was traditional authorities. During the months of June 2019 and August 2019, data was collected from the East and the Far North regions respectively.

The main research areas were Gouringuel, Minawao, Gawar, Gadala, Zamai, in the Mokolo district, Far North region, and Garoua Boulai and Gado Badzere in the East region.

For the purposes of this study, the generic term “**displaced persons**” is used to refer to those who have left their usual place of residence to escape persecution, armed conflict, and human rights violations. People who move in such circumstances and cross an international border are referred to as “**refugees**”, while those who remain in their country of origin are described as “**internally displaced persons (IDPs)**”. An **out-of-camp refugee** is a person who is a national of a country other than the one where he or she is and who has come to the latter to seek refuge from a situation they faced in their country of origin, but who does not live in an official camp. Refugees and internally displaced persons who have returned to their own countries and communities are referred to as “**returnees**”.

Other reasons such as climate change and the implementation of development projects (infrastructure construction, agricultural development, etc.) can also spur people to move. However, this study did not address these types of displacements, nor the process of access to pastureland by refugee herders.





# THE LEGAL FRAMEWORK FOR THE PROTECTION OF PERSONS DISPLACED FOR SECURITY REASONS AND ACCESS TO LAND IN CAMEROON

Access to land by refugees and IDPs is a challenge for reasons such as: the protracted nature of conflict, which causes displaced persons to remain in their host regions for a long time, the refugee empowerment strategy adopted by international organizations supporting them in a context of scarcity of fertile land for host communities who themselves are not better off. It is therefore important to identify and analyse the legal instruments protecting displaced persons and their land ownership rights.

## I. LEGAL FRAMEWORK FOR THE PROTECTION OF REFUGEES AND INTERNALLY DISPLACED PERSONS IN CAMEROON

Nowadays, the protection of refugees and internally displaced persons is enshrined in laws and institutions that were first established at the international level and subsequently adopted by the domestic legal orders of states such as Cameroon.

### 1- THE INTERNATIONAL AND REGIONAL NORMATIVE REGIME FOR THE PROTECTION OF REFUGEES AND INTERNALLY DISPLACED PERSONS

At the international level, the first instruments worth mentioning are the United Nations Convention relating to the Status of Refugees, which was adopted in Geneva on 28th July 1951, and its Protocol adopted on 31<sup>st</sup> January 1967 in New York. These instruments deal with three major issues. The first is the definition of the term refugee and the conditions for cessation and exclusion from refugee status. Secondly, the legal status of refugees in their host or asylum countries, their rights<sup>1</sup> and obligations<sup>2</sup>, as well as the right to be protected against deportation or “refoulement” to a territory where their life or freedom could be threatened. Finally, the last wave of topics covered by these two pioneering instruments on international refugee protection are: State obligations, including cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) or any other United Nations agencies that

1 These are a set of fundamental rights, which must at least be equivalent to the freedoms enjoyed by foreigners living legally in a given country and in many cases, to those of the citizens of that country. These are essential rights for the protection of refugees, which are also the fundamental rights stipulated in the Universal declaration of Human Rights of 1948.

2 It is the case with the obligation to comply with the laws, regulations and measures taken by the host state to maintain public order(article 2 of the Convention)

may succeed it in the exercise of its functions and the obligation to facilitate its mandate of monitoring the implementation of the Convention.

The United Nations Declaration on Territorial Asylum<sup>3</sup> is the third and final international instrument dealing with refugee protection, but it is non-binding. Although not defined by international law, the term “asylum” has nonetheless become a general term that covers all the protection a country grants to refugees on its territory. Asylum means, at minimum, basic protection for a temporary period with the possibility of staying in the host country until a solution outside that country is found. In other words, it means that a refugee cannot be deported or returned to a state where his or her life or safety may be threatened (Jastram and Achiron, 2001).

To align itself to the international context, Africa adopted the 1969 Convention of the Organization of African Unity (OAU) governing aspects specific to the problems of refugees in Africa. It is the only legally binding regional refugee treaty<sup>4</sup>.

As regards internally displaced persons (IDPs), their protection is supposed to be ensured by the guiding principles on internal displacements. Based on international humanitarian and human rights law, these UNHCR guiding principles, albeit non-binding, aim, inter alia, to guide states dealing with the phenomenon of internal displacement, and all other groups, individuals and authorities in their relations with IDPs. These Principles stipulate that state authorities have the duty and responsibility to provide protection and humanitarian assistance to IDPs without any form of discrimination. The state may be supported in this role by international humanitarian organizations and other interested stakeholders. During their stay in the host community, a number of rights enshrined in international and national state regulations are guaranteed to IDPs (free movement, free choice of residence, protection against forced return to any place where they may be in danger, right to an adequate standard of living, etc.).

IDP status is not permanent. Consequently, it is necessary to think about the fate of these people once the situation that favoured their displacement normalizes, particularly as regards the protection of their property and possessions in their absence<sup>5</sup> and their access to land upon their return (see Box 1).

Unlike refugees whose protection is enshrined by laws developed at the international level, it should be noted that the reverse was true for IDPs. Indeed, the first legally binding instrument on states, and specifically dedicated to the protection and assistance of IDPs, was developed in Africa, notably with the 2009 Kampala Convention. The latter aims to specify the obligations and responsibilities of states, armed groups, non-state actors including Civil Society Organizations (CSOs) in the prevention of internal displacement, and protection and assistance to displaced persons. The primary obligation of states is to assist displaced persons by meeting their basic needs and by ensuring the protection of their human rights recognized by international and national laws. Similar to the UNHCR Guidelines, the Kampala Convention stipulates that States are responsible for taking necessary measures to protect individual, collective and cultural property abandoned by IDPs, as well as areas where internally displaced persons are located, with their participation in decision-making.

3 The United Nations General Assembly adopted this Declaration on 14 December 1967.

4 Its provisions are binding on the states parties same as the 1951 convention and the 1967 protocol.

5 In their absence, IDPs should under No.circumstance be arbitrarily deprived of their property and possessions, which must be protected against any act of violence or arbitrary and unlawful ownership, occupation or use.

### **Box 1: Access to land by returnees**

*Armed conflict have major implications for land tenure. Indeed, these conflicts create a large number of refugees and displaced persons, with little or no access to land in the areas where they flee to.*

*After the end of the armed conflict, returnees may find their lands occupied by others and this situation creates disputes. Female-headed households, often found in returned populations, tend to experience specific problems in this regard, because some land tenure systems do not recognize women's right to secure access to land (Crisp, 2010).*

*Generally, the returning population may be forced to occupy alternative properties that are not actually theirs, which may trigger another set of disputes and complications. This situation is already evident in some villages in the Far North where people had to move because of Boko Haram attacks and upon their return found other people occupying their lands. In border areas such as Banki, Amchidé and Limani, the authorities are worried: "There risks being conflicts over housing, land and property upon return. Some members of the community have occupied the houses of the villagers. The latter could own these houses with the argument that they safeguarded them during their absence" (NRC, 2018). This reveals a certain fragility of customary management in the Far North in securing land in cases of conflict.*

*The same will apply when the internally displaced persons of the English-speaking crisis could return to their respective villages and lands at the end of the political conflict in the Northwest and Southwest regions.*

*It therefore appears that the chaos generated by conflict can weaken customary or local institutions managing and administering land rights, thereby generating widespread land insecurity, fostering land conflicts and allowing other groups to take over the lands.*

*Resolving land access issues is therefore a key step towards peace building. Sustainable solutions may be achieved through sustainable reintegration at the place of origin (return). This may include regulating the occupation and use of existing land.*

*It may also include securing access to land for displaced populations, resolving land disputes between different groups, and re-establishing effective land information institutions and systems. The lack of information on IDPs, including information on their numbers, profiles, needs and vulnerabilities, is one of the key challenges to overcome in order to find sustainable solutions. This difficulty is linked to a complex pattern of displacements such as the tendency of IDPs to seek refuge not in camps but among their families and friends. Sustainable solutions may also include sustainable local integration in areas where IDPs have found refuge or, sustainable integration in another part of the country (Ferris and Stark, 2012).*

## **2. THE NORMATIVE FRAMEWORK FOR THE PROTECTION OF REFUGEES AND INTERNALLY DISPLACED PERSONS IN CAMEROON**

Severally, Cameroon has served as a refuge when a neighbouring country or not, faced internal conflict. This has been the case since the 1980s with the arrival in Kousséri of Chadian refugees fleeing the civil war between northerners and southerners. The scale of the phenomenon led to the creation of a UNHCR representation to better manage Chadian arrivals. In the same vein, the Rwandan and Burundian crises, the ethno-religious tensions in Sudan, the coups d'état

in Sierra Leone, the civil war in Liberia and Angola, the human rights violations in Equatorial Guinea, the insurgencies in Congo-Brazzaville and the Central African Republic (CAR) have fostered an unprecedented surge of refugees in Cameroon. However, it must be mentioned that Cameroon's intervention in favour of refugees until then, was more out of generosity than out of an obligation to which it was bound by virtue of a law or national regulation adopted in accordance with international instruments (Zognong, 2001).

Like any state party to the 1951 Convention and the 1967 Protocol whose responsibility is to adopt national refugees' legislation to ensure the implementation of the Convention, Cameroon adopted Law No.02005/006 of 27 July 2005 on the Status of Refugees in Cameroon. It endorses the definitions of "refugee" provided by international and regional instruments.

As everywhere else, anyone with refugee status in Cameroon has obligations and rights. These include, non-discrimination, freedom of worship, the right to property, freedom of association, the right to take legal action, the right to work, the right to education, the right to housing<sup>6</sup>, the right to social and public assistance, freedom of movement, the right to obtain identity and travel documents, the right to transfer assets and the right to naturalization.

In terms of obligations, a refugee must comply with the Laws and regulations in force in the same way as nationals, and undertakes not to carry out any destabilizing activity against the state of Cameroon, against his country of origin or against a third State.

However, such a domestic normative framework does not exist for internally displaced persons.

### 3. THE INSTITUTIONAL FRAMEWORK FOR THE PROTECTION OF REFUGEES AT INTERNATIONAL AND NATIONAL LEVELS

Alongside Laws, there is also an institutional framework, which aims to ensure the protection of refugees. Internationally, the United Nations has established the Office of the High Commissioner for Refugees (UNHCR), which is supported by state institutions. During its creation in 1950<sup>7</sup>, the UNHCR, a humanitarian and non-political organization, received a dual mandate from the United Nations, to provide international protection to refugees and to help them find permanent solutions to their problems, based on the principle of non-refoulement<sup>8</sup>. Over the years, the General Assembly has broadened the agency's protection mandate to other groups of people such as returnees<sup>9</sup>, stateless persons<sup>10</sup> and internally displaced persons (Jastram and Achiron, 2001).

Domestically, the Cameroonian legislator has provided for two organs in charge of refugees management: the Refugee Status Eligibility Commission (CESR) and the Refugee Appeals Commission at the Ministry of External Relations. Their main role is to grant or not refugee status to asylum seekers and serve as an organ of appeal.

6 International law expressly protects the right to decent housing. States are required to guarantee these right when natural persons or groups, including refugees and internally displaced persons, are unable to access decent housing, particularly in the context of a crisis. "Decent" housing or any other form of shelter must be secure and economically affordable, liveable, culturally acceptable, accessible and usable, and located in a place where livelihoods and basic community services can be found (Sphere Standards, 2018).

7 By Resolution No.428 (V) of the General Assembly of 14 December 195

8 It is a refugee's right to be protected against refoulement. This principle, which is part of customary international law, applies even to states that are not parties to the 1951 Convention

9 That is, former refugees

10 It is anyone whom No.State considers as its national by application of its legislation.

In view of the above, it appears that although the UNHCR is pivotal in the protection of refugees and internally displaced persons, this responsibility is primarily conferred to states. In addition, displaced persons have obligations and rights. One of these rights relates to access to housing, land and land ownership, hence the need to identify Cameroon's land tenure system and land acquisition process for housing and productive activities.

## II. LAND ACCESS MANAGEMENT IN CAMEROON AND THE RIGHTS OF REFUGEES AND INTERNALLY DISPLACED PERSONS

In Cameroon, there exist two modes of land management: statutory law and customary law. The juxtaposition of public administration with traditional land management institutions creates a plurality of sources of law.

### 1. OVERVIEW OF STATUTORY LAW ON LAND MANAGEMENT IN CAMEROON

Statutory Law on land management in Cameroon consist of Laws and other regulatory instruments. As regards the legislative framework, there is Ordinance No.74/01 of 6<sup>th</sup> July 1974, which groups land into three categories:

- The private domain owned either by individuals or by the state;
- The public domain, which consists of all immovable property intended for public use. It is inalienable, imprescriptible, and not subject to ownership, but the state may grant authorizations of occupation or exploitation, or enter into leases with private individuals ;
- State-administered national domain lands in a bid to ensure its rational use and development. They are divided into category one national domains and category two national domains. Category one national domains consists of residential land, land for cultivation, planting, grazing and rangeland, which depicts obvious human control of the land and evidential development. As for category two national domains, these are the so-called "unoccupied<sup>11</sup>" lands. The majority of rural lands are part of the national domain.

Pertaining to the regulatory framework, Decree No.76-165 of 27<sup>th</sup> April 1976 lays down the different conditions for obtaining land titles. In areas occupied and effectively exploited by communities, individuals and groups of people may apply, by direct registration, for land titles to the lands they occupied and/or effectively exploited before 5<sup>th</sup> August 1974. On lands occupied and exploited after August 5<sup>th</sup>, 1974, as well as on lands deemed vacant, applicants must prepare a development project and apply for a provisional concession, which may be final if the project is fully implemented. An individual may also purchase an area on the national domain via a private agreement. However, this practice is contrary to Article 8 of Ordinance No.74/01 of 6<sup>th</sup> July 1974, which prohibits the sale or lease of unregistered land for the benefit of the seller or lessor. In practice however, the latter signs a land sale certificate accompanied by a certificate of abandonment of customary rights signed by the village or locality chief in the presence of witnesses and his notables (NRC 2018).

11 Ordinance No.074-1 of 6 July 1974 fixing the land tenure in Cameroon, Article 15, paragraphs 1 and 2.

There are No specific provisions with respect to legal access to land by refugees. Law No.80-21 of 14<sup>th</sup> July 1980 amending and supplementing certain provisions of Ordinance No.74-1 of 6<sup>th</sup> July 1974 to establish rules governing land tenure stipulates, in its article 10, (new) paragraph 1 that: “Natural persons and corporate bodies of foreign nationality or incorporation wishing to invest in Cameroon as well as Diplomatic and Consular Missions and International Organizations may conclude lease agreements or purchase landed property except in the border areas.”. It is on this basis that some people refer to the fact that refugees can acquire land except in border areas.

Moreover, Decree No.76-165 of 27<sup>th</sup> April 1976 setting out the conditions for obtaining land title, in its article 9, stipulates that: “are entitled to apply for land title on a dependency of the national domain that they occupy or operate: customary communities, their members or any other person of Cameroonian nationality, provided that the occupancy or operation is prior to August 5<sup>th</sup>, 1974, date of publication of the ordinance 74-1 of July 6<sup>th</sup>, 1974 governing land tenure; holders of certificates of occupancy required to convert them into land titles within 6 years from 5<sup>th</sup> August 1974. However, the transformation of certificates of occupancy issued to natural persons of foreign nationality and legal entities can only be carried out after examination on a case-by-case basis.” This excludes refugees from access to land.

As a result, it turns out that refugees (who arrived on Cameroonian territory after 1974) do not legally have the right to acquire land in Cameroon, let alone in border areas. However, in practice, since land management is more customary in rural areas where refugees settle, they have the option of acquiring land through or without “*certificates of abandonment of customary rights*<sup>12</sup>”. The fact that most land can therefore not be bought and sold through formal channels means that most land transactions involving displaced persons are informal or extra-legal (NRC, 2018).

Furthermore, no Law currently describes how refugee camps are set up. Unlike some African countries (see Box 2), there is no specific provision for the land acquisition process for the establishment of refugee camps and settlement sites. No actor could provide information on the legislation that governs the acquisition of land for the settlement of refugee camps. Territorial administration officials interviewed in the field clearly indicated that no procedure is established for the setting up of refugee camps. This is done at the discretion of the administration, in collaboration with traditional authorities.

---

12 The customary “owner” (the seller) issues a document on a piece of the national domain to a person (the acquirer) by virtue of the transfer of ownership. It is completed and signed by the seller, the buyer of the plot and two witnesses of each party. To give it a «validity» or «legality», the practice today wants that the certificate of abandonment of customary rights be signed by the traditional authority (the village or district chief) and the SDO with territorial competent, as provided for in the texts before the 1974 land reform. But, it must be recalled here that this practice is prohibited by article 8 of the ordinance of 74/01 of July 6, 1974

### **Box 2: Access to land by IDPs and refugees regulated in Uganda**

*Uganda is the first country in Africa to launch a national policy in 2004 to improve the lives of approximately two million internally displaced persons, to ensure that they enjoy the same rights and freedoms as all other Ugandans in the constitution. The policy states for example that local governments should assist IDPs in acquiring or reclaiming their land in accordance with the 1998 Land Act upon their return, resettlement or reintegration. It further specifies that local governments should assist IDPs, particularly women, in acquiring legal titles or certificates of customary ownership on the lands they have reclaimed or been allocated. The identification and distribution of land must be done with community involvement.*

*Uganda is further commended for its progressive refugee policy, which is mainly governed by the “Uganda Refugees Act of 2006” and the “Refugees Regulations of 2010” in which issues on access to land by refugees is addressed. Thus, the Minister in charge of such matters may, in accordance with the Constitution and any other law, by notice published in the Official Gazette, designate places or areas on public lands as transit centres or refugee settlements. An applicant or refugee wishing to reside in a place other than a designated place or area may apply for permission to reside in any other part of Uganda. Although refugees cannot acquire or own land, they receive agricultural and pastoral plots for self-sufficiency during the settlement phase (IRRI, 2018).*

## **2. THE PRIMACY OF THE CUSTOMARY SYSTEM ON ACCESS TO LAND**

Given the Cameroonian context, very few people hold land titles in rural areas because there is a juxtaposition of formal and informal land systems. Rather, local community members tend to use customary land tenure and community-based mechanisms for access to land and management of land disputes. Land is considered an ancestral heritage and is a community property managed by a community leader or a representative. In such a case, the land “belongs” to members of the community and their affiliates living outside the community. They have the right to use and enjoy it. They consider themselves customary proprietors (Wily, 2011). It should be noted that the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forestry in the Context of National Food Security (VGGT), adopted by the FAO in 2012, generally recognize both legal and customary, formal and informal land rights as legitimate. In addition, they encourage States<sup>13</sup> to recognize, document and respect all legitimate land rights in national legislations, policies and practices (FAO, 2016).

Thus, in the customary system, the main means of accessing land is via inheritance resulting from the right of the first occupants to use an axe or a hoe on the land. Other modalities include donating, lending, selling after a declaration of abandonment of customary rights, and leasing. These resources are primarily intended for distribution to community members while others such as persons on the move are governed by the principles of hospitality and solidarity. Thus, no displaced person can claim, to have rights over a land to build a home, cultivate and own property obtained from community resources. Residence in the community or community membership gives entitlement to these resources. In addition, the territorial administration

<sup>13</sup> In addition to States, other non-state actors, and more specifically companies, are also targeted. To this second category of actors, Directives require it to respect human rights and legitimate land rights.

recognises customary power as legitimate and even legal<sup>14</sup>, traditional leaders represent traditional power, while being auxiliaries of the administration. This suggests that the land customs, according to which they administer the land sector, have the force of law. These customary institutions remain very strong in the Far North region and govern land access rights at the local level (NRC, 2018).

In conclusion, there is a legal vacuum or at least a vagueness on the modalities of access to land by IDPs and refugees in a context where land resources in rural areas are considered resources managed by the community leader. This justifies a diversity of practices in the field for access to land by displaced persons, including for camps and settlement sites and their land insecurity.

---

14 Decree No 77/245 of 15 July 1977 on the organization of Traditional Chiefdoms.



# THE ALLOCATION AND SELECTION OF REFUGEE AND INTERNALLY DISPLACED PERSONS SITES IN THE FIELD

For this study, two areas were selected to observe the land allocation processes for the setting up of refugee camps, access to land by refugees and internally displaced persons beyond camps and settlement sites. They were Gado-Badzere in the East region and Minawao in the Far North.

## I. DESCRIPTION OF THE STUDY AREA

Gado-Badzere is a town located 35 Kilometres from Garoua-Boulai, Lom and Djerem division, East region of Cameroon. Garoua Boulai located on the Bangui-Douala corridor, point of contact between Cameroon and the CAR, has become one of the privileged places to welcome refugees coming from the CAR, which was facing a serious insecurity crisis due to the activities of highway bandits and rebel groups. In 2003, following the coup d'état perpetrated by François Bozizé and the intensification of rural banditry, an initial influx of about 3000 persons was recorded at the Cameroonian borders, including in Garoua-Boulai. These were individuals identified as Peul Mbororo and their arrival sometimes led to affinity groupings<sup>15</sup> (Mimfegue, 2019).

These persons first went to rural areas around urban centres. A smaller proportion went directly to urban centres such as Garoua-Boulai, where acquaintances, and relatives were likely to facilitate their settlement and where security was guaranteed. The urban area to them, also represented, a conducive environment for precarious jobs. The first institutional arrangements took place in the city where these displaced persons were received and managed. The 2013 crisis in CAR was marked by a larger influx of refugees, requiring high-capacity humanitarian infrastructure. The characteristic feature of this humanitarian redeployment was the creation of the Gado-Badzere refugee camp in 2014, located about 30 kilometres from Garoua-Boulai (Mimfegue, 2019).

As of 30<sup>th</sup> November 2019, the population of the Gado site increased to 25,602 Central African refugees or 7,975 predominantly Peul (92.9%) and Muslim (98.8%) households. Opened on 1<sup>st</sup> March 2014, the site currently covers an area of 55 hectares. According to UNHCR (site profile document), the majority of refugees are agro-pastoralist, but most do not have easy access to land and/or pasture around the site.

According to UNHCR data from January 2019, the eastern region host approximately 174,076 Central African refugees, including 113,718 off-site refugees and asylum seekers (65%).

Minawao, on the other hand, is a village in the district of Mokolo, Mayo Tsanaga division, in the Far North region of Cameroon. It is located 35 kilometres from the town of Mokolo, on the

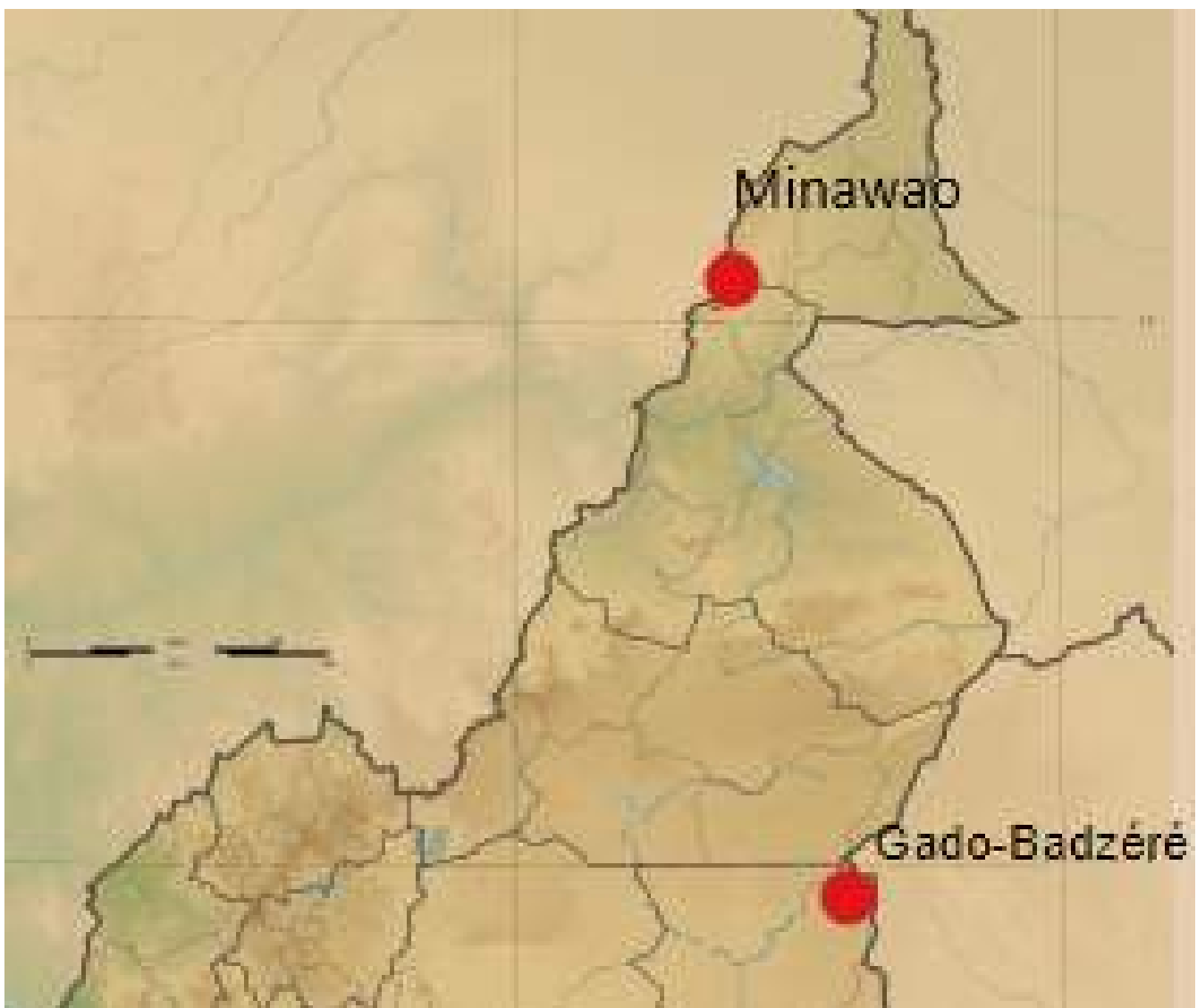
<sup>15</sup> Affinity grouping means an association of people based on common interests. In this case, the refugees were grouped according to their cultural identity.

Maroua-Mokolo road and covers an area of 34,263 km<sup>2</sup>. It is located west of Zamai, bounded to the north by the Gawar plains and further west by the district of Hina. This locality has also become a privileged place for Nigerian refugees due to the attacks of Boko Haram.

The Minawao Camp is 70 kilometres from the border with Nigeria and covers an area of 623 hectares. The camp was set up in July 2013. As of 31<sup>st</sup> December 2019, the total population of the Minawao camp was 61,897, or 13,346 households with an average size of 4 persons per household. One of the livelihood challenges expressed by the UNHCR is refugees' limited access to arable land and grazing areas.

According to IOM (2020), the Far North region has 47,305 out of camp refugees (7,881 households) with the largest numbers in the Logone and Chari (20,112 persons) and Mayo Tsanaga (4,950 persons) divisions.

It should be noted that not far from Minawao, there is a large number of internally displaced persons also fleeing the abuses of the Islamist sect Boko Haram, particularly in the districts of Mokolo, Koza and Mayo Moskota. Still according to IOM (2020), the Far North region host 297,380 IDPs (or 48,111 households) with the largest numbers in the Logone and Chari (127,544) and Mayo Tsanaga (52 046) divisions.



## II. LAND USE BEFORE THE ARRIVAL OF REFUGEES

According to local administrative and communal authorities the identified space for the Gado-Badzere camp in the eastern region, was “empty”. On the other hand, the traditional authorities interviewed during data collection phase declared that part of it consisted of old women’s fallow land and the other part was used as a cattle market, which was relocated. Given that there was no obvious development, let alone a land title of these lands, the devolved land administration considered them part of the unoccupied national domain. Yet, fallow land has several values (see Box 3) which should give it better consideration than that introduced by colonizers (vacant land without owners) through the imperial ordinance of the German Crown of 15<sup>th</sup> July 1896<sup>16</sup> and adopted by the statutory law in force.

### *Box 3: The value of fallow land*

*Fallow land is an important part of land and soil management in rural areas. Indeed, according to Maiga (1998), farmers practise fallowing for the following reasons:*

- *Agro-ecological: fallow land is for the natural replenishment of soil nutrients. It is therefore a question of facilitating the restoration of soils with a view to increasing their fertility levels, for a future increase in their productivity;*
- *Pastoral: fallow land provides food resources for livestock,*
- *Economical: fallow land provides harvesting products (wood, fruits, medicinal products, etc.),*
- *Socio-cultural: fallow land constitutes land reserves for future use by farmers (elderly women and their descendants in this case).*

*It is therefore a grave mistake to think that fallow land is not development and is free for occupation.*

It should be underscored that the exact size of the camps is unknown by almost all actors (traditional, communal and administrative authorities). According to the divisional land administration, the initial surface area of Gado is about 32 hectares and the current profile of the site suggests an extension of 23 hectares to reach 55 hectares.

In the Far North, on the other hand, it was an agricultural area used by men and women from communities of different districts for the cultivation of cotton, red millet and off-season millet. According to local sources, “Some people had already started sowing at the time of acquisition.” A previous study by Brangeon and Bolivard (2017) highlighted that: “The site was built on arable land, previously used by neighbouring communities to grow sorghum. In addition, the area around the camp was once an important grazing area”. The area is said to belong to the Gawar district, but was used by members of the Gadala community (including the Lawan of Gadala, a traditional chief) which depends on the district of Matakam Sud. These two districts, had boundary issues.

<sup>16</sup> This ordinance, which defined the German land policy in Cameroon, was taken up after kings Douala Ndumbe Lobe Bell, and Akwa Dika Mpondo transferred the sovereignty, legislation, and administration of Cameroonian territories to the German commercial firms Woermann and Jantzen and Thormahlen at the end of the German-Douala Treaty signed on 12 July 1884.

The Minawao camp covers 623 hectares according to the UNHCR, and is currently used for refugee settlement, reforestation and other activities. The UNHCR expresses the need for an additional 200-300 hectares for refugee agricultural activities to empower them.

### III. REFUGEE CAMP SITE SELECTION PROCESS (ACTORS AND SELECTION CRITERIA)

---

Data from interviews show that, the main stakeholders in the selection process are the administrative authorities (Divisional Officer and Senior Divisional Officer) who approach the traditional authorities, following a prior request from UNHCR. The State, through these authorities, identifies and proposes a site to the UNHCR, which ensures its viability according to the Shelter and Settlement standards. The Sphere Minimum Shelter and Settlement Standards are a practical expression of the right to decent housing in humanitarian contexts.

The different criteria that guide the selection of a site, according to some UNHCR officials interviewed, are:

- The level of remoteness from the border to the country of origin to prevent a pendulum movement between the host country and the country of origin (more than 25 Kilometers from the border) ;
- The safety of those affected;
- Availability of land and possibility of extension;
- The viability of the land;
- The topography;
- Accessibility of the land to basic social services including road infrastructure and access to water;
- Degree of hospitality of host communities.

UNHCR officials do not mention the status of the land as a criterion. As shown in the “land entitlement” section in Table 1 below, the government must make the land available and clarify its status in writing.

Under normal circumstances, when the state of Cameroon wants to make land available for a project, it can target either the land in its private domain, that of other legal persons<sup>17</sup> of public law or that of the national domain which is granted by way of concession, lease or assignment. Thus, for the implementation of operations or projects of public, economic, social or cultural interest, the state may, according to article 12 of Ordinance No 74-1 of 6<sup>th</sup> July 1974 governing land tenure, resort to expropriation after the target area has been declared of public utility. Still for reasons of general interest, the state may incorporate in its private domain or that of other legal entities governed by public law, portions of the national domain as provided for in Article 18 of the aforementioned Ordinance. Concerning the refugee camps of Gado-Badzéré and Minawao, which were set up on national domain lands, it turns out, after discussions with officials of the Ministries of Lands and Territorial Administration that, neither of these

---

17 These are Decentralised Local Authorities, Public Institutions, Public Service Concessionaires and State Corporations.

procedures were followed by the state. The unexpected arrival of the refugees and urgency may therefore justify the fact that the Cameroonian Government resorted neither to expropriation nor to incorporation for a subsequent transfer by way of concession.

Table (1) provides more information on the important factors to consider when selecting a site according to UNHCR internal rules.

**TABLE 1 : IMPORTANT FACTORS FOR SITE SELECTION**

<b>Topography, drainage, soil conditions</b>	The topography of the land should permit easy drainage and the site should be located above flood level. Rocky, impermeable soil should be avoided. Land covered with grass will prevent dust. Wherever possible, steep slopes, narrow valleys, and ravines should be avoided
	Ideally, a site should have a slope of 2%–4% for good drainage, and not more than 10% to avoid erosion and the need for expensive earthmoving for roads and building construction.
	Avoid areas likely to become marshy or waterlogged during the rainy season. Consult national meteorological data and host communities before making a decision.
	Soils that absorb surface water swiftly facilitate the construction and effectiveness of pit latrines.
	Subsoil should permit good infiltration (permit soil to absorb water and retain solid waste in latrines). Very sandy soils may have good infiltration; but latrine pits may be less stable
	Pit latrines should not penetrate into the ground water. The groundwater table should be at least 3m. below the surface of the site.
	Avoid excessively rocky or impermeable sites as they hamper both shelter and latrine construction.
	If possible, select a site where the land is suitable for vegetable gardens or small-scale cultivation.
<b>Water resources</b>	Choose locations that are reasonably close to an adequate source of good water, and ideally near high ground that has good surface water run-off and drainage. Once located, water sources should be protected. Ideally, no individual should have to walk for more than a few minutes. There should be at least one water point for every 250 people.
	Ideally, hydrological surveys will provide information on the presence of water. A site should not be selected on the assumption that water will be found by drilling. Trucking water over long distances should be avoided if possible.

<b>Land rights</b>	Refugees should benefit from exclusive use of the site in which they live, by agreement with national and local authorities.
	Governments often make national lands available.
	Private or communal land (including vacant pastoral land) may only be used if the government has agreed to a formal legal agreement with the owner(s), in accordance with the laws of the country.
	The status of occupied land for sites should be clarified in writing by government.
	The government and host community should both agree and clarify the entitlement of refugees to carry out given activities (for example, forage for food, collecting firewood, collect timber and other shelter materials such as grass or mud, gather fodder and graze animals).
<b>Accessibility</b>	Ensure the site has adequate road infrastructure; its access must be reliable, including during the rainy season for emergency aid and other goods
	Assess the site's proximity to national services, including health facilities, markets and towns. Access to mainstream activities is encouraged where possible and avoids the need to develop parallel services for the camp population
	Liaise with development agencies, including UNDP and relevant ministries, to secure improvement of access routes.
	Liaise with development agencies, including UNDP and relevant ministries, to secure improvement of access routes.
<b>Security</b>	The site must be located a sufficient distance from international borders (50 km), conflict zones and other potentially sensitive areas (such as military installations). Avoid areas that experience extreme climatic conditions or present evident health (malaria), environmental or other risks.
	High winds can damage temporary shelters and increase fire risk.
	Assess seasonal variations. Ideal sites during the dry season may be uninhabitable during the rainy season.
	Avoid locating refugees in places whose climate differ from that to which they are accustomed.

<b>Environment and vegetation</b>	Ensure that the site has sufficient ground cover as vegetation provides shade, protects from wind and reduces erosion and dust.
	Avoid sites where dust clouds are common; these cause respiratory illness
	Avoid sites within a day's walk of an environmentally protected area.
	Take steps to ensure access to firewood supply, in collaboration with local forest authorities and in negotiation with host community.

Source: *Camp planning standards (planned settlements), UNHCR*

In the specific case of the Gado site, the administrative authorities identified more criteria such as: the distance between the site and the border, the fact that the land was ‘vacant’ “because nobody was ready to mobilize compensation”<sup>18</sup>, and insecurity in the Mborguene village initially proposed for the creation of the camp. For this site, the Garoua-Boulaïa council was consulted but they contested the choice of the Gado site because of past painful experiences<sup>19</sup>. According to the municipal authorities, the isolation of the camp or, more precisely, its remoteness from a village [Mborguene], which was sparsely populated (539 inhabitants), was a way to protect the urban population from the insecurity associated with the presence of refugees (Mimfegue, 2019).

According to the traditional authority of Gawar, one criterion would have been acceptance by the Lamido (1<sup>st</sup> degree traditional authority) and the owners of the fields. However, according to some administrative authorities, the choice of the site was guided by the concern to resolve a boundary conflict between two territories (the district of Gawar and the district of Matakam Sud). This is further confirmed by previous research carried out by Brangeon and Bolivard (2017) according to which, “the land was chosen by the Cameroonian government to resolve a conflict between two localities, thus declaring it ‘neutral’ territory”.

In both case studies, it was found that in addition to the “formal” administrative approach, the UNHCR contacted the relevant traditional authorities directly for access to land. One of the arguments used by the latter to obtain the consent of the host community was that, the presence of refugees constitutes an opportunity for the host community in terms of social infrastructure.

In the end, it appears that sites settlement areas were selected as if they were “unoccupied lands”. It may therefore be assumed that land previously used by communities was not a criterion for site selection. This confirms that the Land law only recognizes a precarious right of use to communities that are, however, the legitimate holders of land rights. This consideration necessarily has an impact on the land acquisition process.

<sup>18</sup> Interview with an administrative authority in Garoua-Boulai.

<sup>19</sup> Accusations of violence and theft by refugees.

## **IV. LAND ACQUISITION PROCESS FOR REFUGEES AND CAMP SETTLEMENT**

---

According to UNHCR, land needs for refugees come in two forms: settlement camps and refugee settlement villages.

The arrival of refugees in a host country is usually unexpected. In the various cases observed, the settlement of refugees was initially carried out in a dispersed manner within the host population. It is afterwards that the government and the UNHCR tried to identify the type of settlement to adopt (settlement site or settlement village). In a bid to regroup, support and control, the UNHCR submits a request for land to the state of Cameroon. The local administrative authorities then present the request to traditional authorities who identify areas.

For the Gado camp, one of the managers of the devolved land services department believes that a provisional concession procedure would have been applied to regularise the situation, given the unexpected arrival of the refugees.

After the acquisition of the first spaces in both case studies, the sites are simply extended with the agreement of the traditional authorities.

It is evident from interviews that, the UNHCR does not have ownership of the land; rather, the state makes the land available. However, there is considerable uncertainty regarding the document attesting to the provision of land by the state of Cameroon to the UNHCR for the various sites. It was not possible to enter into possession of this document, neither at the divisional delegations of MINDCAF, nor at the sub-delegations of the UNHCR, or at the level of devolved territorial administrations.

While respecting the decisions of the territorial administration in their duty to make land available for the settlement of refugees, there is however tacit recognition of traditional chiefs as land managers at the local level in the context of extensions.

## **V. INVOLVEMENT OF HOST COMMUNITIES IN THE LAND ALLOCATION PROCESS (CONSULTATION AND PARTICIPATION) FOR THE SETTING UP OF REFUGEE AND IDP CAMPS**

---

In 2013, some traditional authorities of the villages bordering Garoua-Boulai refused to host another wave of Central African Refugees due to certain difficulties (violence) encountered with the first wave that arrived in the East region. As a result, Gado's traditional authority had to give his consent in writing. This consent was more motivated by the promises made by the UNHCR on the benefits/opportunities the presence of refugees will bring in terms of building social infrastructure (health, education, drinking water ...).

Unfortunately, this consent was given without meaningful consultation with the entire community and older women who had previously used the ceded lands. The latter have simply been sensitized to leave these lands for a good cause, without compensation since under the law, fallow land is not considered as development.



In the Far North, one of the traditional authorities revealed that they reluctantly agreed to cede land, which brought in substantial benefits from the cultivation of cotton and millet, because of the presence of administrative authorities and a hierarchically superior traditional authority.

In Gavar, the population was consulted through their notables, because they are considered representatives of the populations. However, during small consultation meetings with those directly involved in the community, they expressed dissatisfaction with the loss of land. They were finally convinced by the awareness raised on the opportunities offered by the presence of refugees in terms of social infrastructure (water, electricity) and jobs. However, it is deplorable that such promises were not recorded in a document, such as a memorandum of understanding or a specification. During the data collection phase, respondents from the host population, expressed their dissatisfaction with the fact that certain promises (water and electricity) made by the UNHCR at the time of the camp's installation, were slow to materialise.

#### **Box 4: Memorandum of Understanding with Communities on Land Acquisition**

*In Uganda, the Prime Minister negotiates land acquisitions with local district governments for the allocation of refugee sites. Ideally, the negotiations will result in a Memorandum of Understanding (MoU) with the communities. Typically, negotiations with communities are based on the commitment of the Prime Ministry and UNHCR to build infrastructure such as health centres and schools in affected districts that would benefit Ugandan host communities (Bohnet and Schmitz-Pranghe, 2019). It is in this vein that the customary land owners in the Lamwo district in northern Uganda signed a Memorandum of Understanding, which outlines the conditions under which their lands are used (IRRI, 2018b). So far, there has been an agreement that 30% of international aid to refugees be directed to host communities. However, this agreement is being challenged and districts are increasingly demanding a 50/50 ratio.*

In a context of relative abundance of land, as in eastern Cameroon, there are fewer conflicts. In a context of scarcity of fertile land such as in the Far North region of Cameroon, the consent of host populations is a fundamental element to be taken into account, and the safety principle (Do no harm)<sup>20</sup> must be reviewed and implemented by the organizations that set up the refugee hosting facilities.

In the UNHCR Emergency Manual, consultation and participation of local communities is encouraged, especially when setting up camps and preparing for their closure. For example, the Camp strategy guidance (planned settlements, UNHCR) states that consultation with several stakeholders should be considered when setting up a camp such as: national authorities, camp management agencies, various representatives of refugees and host communities including men, women, boys and girls, representatives of other sectors (health, water, hygiene and sanitation,

<sup>20</sup> Do Not Harm; in some contexts, a humanitarian response to shelter may result in the eviction of vulnerable groups. In others, asserting security of land tenure may increase the risk of eviction for vulnerable groups. A reasonable and prudent approach will help identify the occupational safety risks to the various groups. In some cases, when these risks are too high, it is preferable to do nothing at all (Sphere Shelter and Settlement Standards).

security, logistics, education, livelihoods, protection) and appropriate ministries, UN agencies, or NGOs, technical experts, including those on land management and customary rights.

The purpose of the consultation, among other things, is to decide on the location of the camp in order to have accurate information with regard to the factors mentioned in Table 1. The Free, Prior and Informed Consent (FPIC) of the populations ceding their land is not required in view of the potential environmental and social impacts of setting up the camp. The UNHCR, which supports states in the management of displaced persons, refers to the processes/laws established by the host country. Cameroon, while not explicitly recognizing the customary law of local communities, has however not provided any consultation mechanism in the land allocation process for any project.

According to Dryden-Peterson and Hovil (cited by Agblorti, 2011), local communities through their social and cultural institutions, play a key role in the integration of refugees but are often relegated to the background in discussions on sustainable solutions. This is often because they are expected to submit to the political authority of the host country. Yet they play a crucial role in ensuring access to livelihoods for refugees. Therefore, it is important to include them in the search for sustainable solutions for refugees (Agblorti, 2011).

Moreover, the FAO Voluntary Guidelines (2012) encourage consultation and participation as one of the key principles for implementing responsible land governance, in these terms: *“Before decisions are taken, engage with and seek the support of those with legitimate land rights who may be affected by such decisions, and consider their contribution; take into account the imbalance of power between the different parties and ensure the active, free, effective, useful and informed participation of individuals or groups in decision-making processes.”*

Considering that customary rights are part of legitimate land rights, this consultation and participation should extend to the process of expropriation and compensation/compensation for the settlement of refugees on lands belonging to local communities.

## VI. COMPENSATION FOR DEVELOPMENT AND LAND LOSSES

---

In both case studies, the communities received no compensation for loss of land.

According to Cameroonian statutory land law, there was no development at the Gado site at the time the area was being acquired. One of the administrative authorities in the East points out that the choice of the site was made taking into account this criterion to avoid any disputes in an unplanned situation such as the arrival of refugees. However, interviews revealed that some of the land was fallow land owned by older women. Despite the plural value of fallow land (cf. Box 3), it is unfortunately not considered as development and therefore not compensated in Cameroon.

In the town of Gouringuel, in the Far North region, discussions with the communities revealed that the allocation of spaces, which now serves as a transit centre for refugees, was not subject to prior consultations with the host community. Indeed, this land, previously exploited by the Djaouro (the neighbourhood leader), constitutes a major loss for him, as he used to sow red millet – whose annual production was 25 bags of 100 kilograms – and cotton for an average yield of 550,000 FCFA/year. This loss was not compensated.

In Minawao, UNHCR and several other stakeholders (communities, local CSOs) recognise that there were people who had crops on part of the area that was conceded. Until the time of data collection for this research, no compensation for crops lost had yet been given by any actor.

The UNHCR does not compensate for land acquisition and considers the infrastructure put in place as compensation for host communities. In addition, all projects are designed and implemented taking into account the following proportions for beneficiaries: 70% for refugees and 30% for host communities. This UNHCR policy aims at preventing refugees from being perceived as persons who come to take land, but rather as people who bring benefits. However, the million-dollar question is, are people who have lost their land specifically targeted in the proportion of the 30% intended for the host community?

The communities, without formal title deeds on the lands and, therefore, unable to obtain compensation on their lands, demanded compensation in kind such as access to drinking water, village granaries, electricity... the implementation of some of these projects were still expected and demanded by the communities until the time of data collection.

When assessing the impacts, they are perceived in terms of savings and services of the host country or region, rather than in terms of different individuals or groups amongst the host populations (Chambers, 1986). The same applies to compensation as mentioned above (infrastructure built by UNHCR). However, it should be considered that host communities are not homogeneous.

As Chambers (1986) points out, in rural areas that host refugees, the poorest of the hosts may be hidden losers, especially where land is scarce and labour is relatively abundant. The poorest hosts may lose because of competition for food, work and common resources. Vulnerable hosts also do not have the same opportunities as refugees who can send their most vulnerable dependents to refugee camps and facilities for support (Chambers, 1986). Weak and vulnerable hosts do not have the same opportunity as refugees to have free food. They generally do not have a safety net. They cannot go to camps or settlement sites to feed or get tools and seeds.

## VII. FATE OF THE LAND AFTER THE REFUGEES DEPARTURE

It is apparent from interviews that the fate of the land after the departure of refugees was not discussed either with the traditional authorities or with members of the host communities.

Gado's traditional authority believes that after the refugees leave, the land returns to the host community. He is the only one to be lulled by this illusion. All the other stakeholders, including his counterparts in the Far North region, are convinced that the land will become part of state property or will be returned to the council of the locality concerned, along with infrastructure built. According to MINDCAF technicians, the land will probably be incorporated into the private domain of the state. One of the traditional authorities interviewed believes that it would be difficult for Minawao's lands and infrastructure to be returned to the communities, as sharing would be difficult. The UNHCR (Maroua) is considering handing over the land and infrastructure to the government, more specifically to the local representatives of territorial administration who are the SDO, the DO and the traditional authority.

## VIII. PROCEDURE FOR REFUGEES AND INTERNALLY DISPLACED PERSONS TO ACQUIRE LANDS BEYOND THE REFUGEE CAMP

As part of refugee empowerment, refugee or support organisations may request for lands from traditional leaders and members of host communities who are customary landowners. When the refugees request themselves, they can get land free on the understanding that their presence is temporary and that once the refugees are gone, the land will return to the communities.

This implies that in the East region for example, refugees do not have the right to plant a tree and or grow perennial crops on the spaces given to them for fear that the refugees will own the spaces. They are only allowed to grow food and market gardening crops. They are also prohibited from building with permanent materials on these spaces. According to a NRC study (2018), displaced persons (refugees and IDPs) who benefited from temporary spaces to build temporary shelters (made of straw) decried the fact that their shelters were completely deteriorated and wished to build permanent dwellings in clay (e.g., Zamai, Mayo Tsanaga). Such construction has implications on the status of the land on which the temporary shelter is built. Not only is it interpreted as an intention of lasting integration, but also it would automatically give displaced persons access to land.

Displaced persons may also obtain land by lease or purchase under customary arrangements. Some support organizations intervene and rent land for refugees. The traditional authority makes land available as a loan for a renewable period of 1 to 2 years. The Divisional officer endorses a document attesting to this.

Given that most villagers do not have land titles, the purchase of land by refugees in the East has no legal value, but it gives them some customary right to the land obtained, and they can get land titles upon testimony by the village chief and other witnesses. Furthermore, according to some administrative authorities, refugees are not allowed to obtain land titles on the border strip because of security and territorial issues. In some villages in the east and in Gado specifically, refugees outnumber the host population. According to the UNHCR cited by Lémougué et al. (2019), in April 2018, the small village of Gado welcomed 24,678 Central African refugees, compared to 2,498 inhabitants counted during the third census of 2005. Faced with the massive purchase of land by refugees, some interviewees foresee land conflicts in the future between future generations of host populations and refugees.

Leases in the Far North are for one year renewable. Land rental costs vary depending on the quality of the land. It is desirable that the renewal does not exceed three years to avoid conflicts with the tenant's descendants who could claim a certain right on these lands. Having seen their parents work on the land for several years, these descendants, who often ignore the agreements made between the owner and their parents, might believe that the land will forever belong to their parents.

It should however be noted that in the Far North region internally displaced persons have difficulties accessing land because there is not enough land even for host communities. Generally, they are given small areas of land which are not fertile enough. Moreover, they often do not have enough income to rent larger areas. As a result, they provide an additional labour force for the host communities who pay them per day. The village of Mayo-Sangué, for example, is home to approximately 272 people who fled a border community after a Boko Haram attack in 2015. These families do not have access to farmland and most work as labourers on local farms in exchange for a cash or in-kind payment (Bamenjo et al., 2019).

The Norwegian Refugee Council (2018), in its study, reveal that in many host communities in the Far-North, there exist no formal mechanisms for the allocation of land for housing and agriculture to displaced populations in the medium or long term. The host families (e.g. Kolofata, Mayo Sava) or community leader (e.g. Zamai, Mayo Tsanaga) provide internally displaced persons with land to cultivate in return for a fee or a percentage of the harvest (sharecropping system). This practice, already present in the region, while mitigating the lack of land for internally displaced persons, does not allow secured access to internally displaced persons.

The divisional delegation of MINDCAF in Lom and Djérem pointed out that they do not intervene in the acquisition of land beyond refugee camps. They only allocate land for camps and not for farms, and other needs.

## IX. EFFECTS OF REFUGEES AND IDPs SETTLEMENTS

Refugees and IDPs are vulnerable persons who are forced to flee their communities/countries of origin because of violence and therefore, need special attention. Having abandoned everything, they face enormous difficulties to survive and sometimes face reluctant host communities, especially in a context of dwindling natural resources. Although it is not their fault, one cannot overlook the fact that this population growth often has impacts on host communities, which humanitarian organizations try to “compensate” via social infrastructure.

The host communities of the two sites studied acknowledge having received a number of infrastructure due to the presence of refugees. These communities also testify to having a good cohabitation with the refugees. However, negative impacts are observable at several levels: land, security, food, social, and environmental.

The local communities at the Gado site reveal that fertile lands are becoming less available near the villages. As a result, they are obliged to carry out their activities in the countryside, in areas quite remote from the village (over 25 km) and travel by motorbikes to get there. Unfortunately, insecurity (attacks) is a challenge.

Some of the actors interviewed believe that some of the refugees contribute to the insecurity that is rampant in the eastern region<sup>21</sup>. This insecurity, coupled with agro-pastoral conflicts, prevents farmers from peacefully carrying out their farm activities in remote fields. As a result, food security in the area is threatened. According to a representative of the municipality, the town of Garoua-Boulai for instance, has become dependent on the Central African Republic for the supply of cassava, the main staple food in the area. A traditional authority noted that an increase in food prices had been observed at the arrival of the refugees, and prices have since been maintained thus.

According to Brangeon and Bolivard (2017), a major effect of the Minawao camp is the reduction in the amount of available arable and pastureland in the area. Indeed, the very location of the camp (chosen by the government) is problematic, as it was built on arable land previously used by neighbouring communities to grow sorghum. In addition, the area around the camp was once a vast grazing land. In the same vein, some interviewees pointed out that former landholders

<sup>21</sup> Attacks, highway bandits.

are facing a decline in production and, consequently, food insecurity. This has led to the rural exodus of young family members who had only these lands as a means of subsistence. Persons who previously worked on the lands ceded to the Minawao refugee camp are now obliged to rent land elsewhere in a context of scarcity of fertile land and natural population growth linked to the arrival of new persons (refugees and IDPs). The Mayo Tsanaga division is host to 4 950 out of camp refugees and 52 046 IDPs (IOM, 2020).

According to one community member, the cost of leasing a quarter of a hectare has increased from 5,000 FCFA to 10,000/15,000 FCFA depending on the level of soil fertility. Moreover, the presence of the Minawao camp will in the long term, lead to soil compaction that will damage, in the medium and long term, the quality of the soil and will hamper the possibility of cultivating the land after its closure (Brangeon et Bolivard, 2017).

In the Far North region, access to resources is a source of community conflicts. With the massive influx of refugees and displaced persons in some areas of the Far North, which are already socio-economically weakened and suffer regular climate shocks, intra-community tensions and conflicts are exacerbated. The already limited availability of scarce local natural resources cannot meet the needs of all populations. Access to arable and viable land, access to drinking water and firewood, for example, are often sources of conflict between communities in most of the areas that host displaced persons and refugees (UNHCR, 2015).

Long-term displacement has created an unforeseen burden for host communities. This manifests itself in different ways. In view of the fact that the displacement situation persists, hospitality houses have practically become permanent houses without any form of arrangement or lease. This situation leads to the deterioration of social relations between the host community and displaced persons, especially since some displaced persons receive humanitarian aid while the families who welcomed them and shared their resources with them initially, have noticed no increase in their revenues (NRC, 2018).

Deforestation is also an observable negative impact at both sites. The sale of firewood is a key income-generating activity for refugees. In the Far North, the price of firewood has increased and according to local civil society organizations, a system of corruption has set in because of this activity (water and forest agents, gendarmes, etc.).

The Sphere standards<sup>22</sup> take into account the environmental impact of IDPs settlements under Standard 7 on shelter and settlement and environmental sustainability by underscoring as key action: integrating environmental impact assessment and management into any shelter and settlement planning, protect, restore and enhance the ecological value of operational sites, during and after their use.

Unfortunately, environmental issues, traditionally perceived as the focus of development actors, are rarely taken into account in the operational activities carried out by humanitarian actors. In the context of crisis management, the environment is still widely perceived as a costly and non-priority concern requiring technical expertise not available within humanitarian organisations. Yet, the obstacles are mainly due to cultural issues in the sector, which crisis after crisis reproduce the same effects. Whenever humanitarian stakeholders take action to reduce the environmental impact of the crisis or their actions, they focus more on the “restorative” rather than “anticipatory” approach. (Brangeon and Njikam, 2017).

---

22 Fundamental Humanitarian Standards

According to Ordinance No. 0070/MINEP of 22<sup>nd</sup> April 2005 amended by Ordinance No. 00001/MINEPDED of 8<sup>th</sup> February 2016 laying down the categories of operations whose implementation is subject to the completion of a Strategic Environmental Assessment or an Environmental and Social Impact Assessment, the setting up of the Minawao camp (and the water supply activities carried out by humanitarian actors) should have been and should be subject to an Environmental Impact Assessment. The resettlement of populations (Article 4-II-B-5) is one of the projects that should be submitted to a detailed Impact Assessment (Brangeon and Bolivard, 2017). It would also have been advisable, if such a study had been carried out, to communicate the results to host communities to enable them to give their informed consent and contribute to the search for sustainable solutions for the settlement and local integration of refugees (see Box 5).

### **Box 5: The local integration of refugees**

*It is common knowledge that, refugees are temporary guests who would return to their country of origin once the situation is normalized. Yet the average length of time people are displaced for has steadily increased over the years. "Normalisation" can take decades – and in some cases remain elusive indefinitely. It has been shown that people who have lived away from their land for many years will have a much harder time accessing their land upon their return. During a survey conducted in Burundi in 1999, 28.6% of refugee respondents indicated that lack of land was a crucial obstacle to their return, while 50.9% felt that it was not crucial, but important (Kamungi and Huggins, 2005). So local integration is sometimes the only way out for some refugees. In the East region of Cameroon, the refugee population is larger than the host population. There are hundreds of refugee settlement villages in the East. This constitutes significant land occupation.*

*In addition, a small proportion (residual cases) of refugees living in camps often decide to integrate into the host country. According to UNHCR figures of 31 December 2019, 3,309 refugees from the Central African Republic were assisted by the UNHCR and the governments of Cameroon and the Central African Republic for a voluntary return in safety and dignity, representing 82% of the 4,000 refugees earmarked in 2019.*

*In keeping with the principle of voluntary repatriation, the host country, in particular Cameroon, seeks to facilitate local integration of non-repatriated refugees, and they often need land, because the majority live in rural areas. This should therefore factored into the land reform.*

*It is also important to define clear guidelines for the implementation of local integration. These should emphasize the need to involve, as appropriate, the host populations in any discussion about the possibility of local integration in order to ensure a broad consensus. In addition, as part of housing rights for displaced persons, there is a need to ensure security of land tenure for displaced people, so that they can live without fear of forced eviction. However, this security does not necessarily imply permanence or title to the property.*

# RECOMMENDATIONS

The State of Cameroon has obligations to both groups of actors: displaced persons (refugees and IDPs) and host communities. As a result, it is important that measures be taken to ensure that both parties enjoy their land rights, hence the following recommendations:

## TO GOVERNMENT

---

### For displaced persons/ refugees

#### o Design a policy for (re -) settling IDPS and refugees:

In view of the various conventions ratified by Cameroon, the state has an obligation to ensure the land security of refugees and IDPs. Therefore, practical solutions have to be found for internally displaced people who have neither land nor resources to be able to obtain land even temporarily. The African Union, through its migration policy, encourages states to facilitate access to land for refugees and internally displaced persons by: “Adopting measures to improve the self-sufficiency of refugees and IDPs residing in camps, including, inter alia, the granting of rights to employment, access to land, freedom of movement and other socio-economic rights where possible”. This policy should clarify the user rights of refugees and IDPs. Access should not be strictly property-related per se, but should cover a range of property rights and arrangements ranging from grazing rights, sharecropping, usufruct and all possible forms and modalities of leasing (Rugadya 2006). This policy will also need to provide not only guidelines for the local integration of IDPs and refugees in their host communities, but also sustainable reintegration at the place of origin upon their return. This implies creating conducive conditions for the voluntary, safe and dignified return of IDPs to their villages of origin, their integration into their host communities at the end of their displacement, or their voluntary resettlement in another part of the country.

#### o Put in place a policy to guide land allocation:

The Government should develop a policy on land allocation to avoid conflict-prone land allocations. The Government should also undertake spatial planning to guide the allocation of land to refugees and IDPs by considering their occupations and those of host families.

This requires a transparent land-use planning process that involves local communities in decision-making, takes into account the land needs of displaced persons, including refugees in and out of camps, internally displaced persons, migrants ...). This process should also take into account refugees who decide to integrate locally after the closure of the camps. In concrete terms, this consists of:

- Initiating a Bill or a statutory instrument to regulate the procedure for acquisition of land on which refugees/IDPS camps are already settled in conformity with the policy previously developed ;
- Addressing the land needs of IDPS in disaster management in Cameroon.



## For host communities

### o **Recognize the customary land rights of host communities:**

By failing to recognise the customary land rights of communities, their socio-economic rights and particularly their rights to food, are violated. The legal framework should be enhanced to ensure land security for customary landowners and to ensure transparency and accountability when the land is acquired (IRRI, 2018). It is therefore important to recognize their rights so that they receive just and fair compensation.

### o **Systematically apply the current legal framework on compensation and provide customary landowners with adequate and fair compensation::**

It is important to respect the existing legal framework, which provides, at least, compensation for crops lost to communities around the Minawao camp. In addition, recognition of the customary rights of host communities would entitle them to fair and equitable compensation, not only for the loss of land, but also for the negative effects that would result from the setting up of displaced persons' camps.

### o **Consult host communities and obtain their Free, Prior and Informed Consent.**

This implies that the various social groups composing of the host communities (women, youth, etc.) are required to participate in discussions on the choice of settlement sites for displaced persons. It is but right to obtain their consent without influencing them with promises of development. In addition, to ensure that the consent is informed, and prior, it would be useful to make available to communities information on the impact studies related to the settlement of refugees/IDPS in a site using a language or tool of proper communication. The communities should also be consulted on the types of compensation that they wish to obtain. Moreover, it is necessary to adequately discuss with the local population on the possibility of local integration of internally displaced persons in order to ensure a broad consensus and to ensure that the host population perceives local integration more favourably. Without this, integration may not be sustainable and lasting.

### o **Clarify the modalities of retrocession of spaces dedicated to displaced persons camps**

It is important to clarify, from the outset, who will get the land after the departure of the displaced persons (community, council, state).

In the event that it is the community, the families who have ceded their land, as well as the areas ceded, should be inventoried prior to the setting up of the refugee site to facilitate retrocession. This retrocession is only possible for areas where sustainable infrastructure have not been built (school, health centre, etc.). Although International Refugee Law prohibits forced repatriation and the duration of land use is not known in advance, it would be useful to have a Memorandum of Understanding with host communities that defines a limited duration, **with a clause on the possibility of retroceding the land before the specified time period, depending on the prevailing situation, or to extend the duration if the refugees/IDPs have not yet freely consented to return to their localities of origin.** Therefore, the compensation mentioned above would be proportional to the defined duration and would therefore constitute a kind of lease of the land from the customary owners.

## Cross-cutting recommendations

- o Clearly define and widely disseminate policies, Laws and procedures in appropriate languages, and widely disseminate the decisions taken in the appropriate languages and in a form that is accessible to all ;
- o Prevent conflicts between future generations of internally displaced persons and host communities, considering that the main issues relating to conflicts and land are : land security, access to land and the equitable distribution of the land ;
- o Land is a limited resource, it is necessary to undertake soil fertilization activities to increase access to land for both groups of actors (host communities and internally displaced persons) ;
- o Given that the resettlement of populations (Article 4-II-B-5) is part of the projects which must be subjected to a detailed Environmental and Social Impact Assessment according to Decree No. 00001/MINEPDED of 8 February 2016 laying down the categories of operations whose implementation is subject to the completion of a Strategic Environmental Assessment or an Environmental and Social Impact Assessment, the setting up of camps for displaced persons should be subject to Environmental and Socio-economic Impact Assessments.

## TO THE UNHCR, OTHER HUMANITARIAN ACTORS AND DONORS

---

The raison d'être of any humanitarian action is founded on the value of human rights, including land rights. In other words, the respect of human rights is an integral part of any humanitarian action, and there should be no discrimination. As a result, humanitarian organisations are not allowed to use individual's lands to build schools, roads, wells without the permission of the customary owners, and without paying compensation where appropriate (Levine and Adoko, 2006). While recognizing the efforts made by the UNHCR to ensure peaceful coexistence between the two groups, the UNHCR should advocate with government to ensure that the land rights of host communities, as well as those of internally displaced persons, are respected. To this end, it would be necessary to:

- Ensure that humanitarian assistance and programming sufficiently incorporate an analysis of local land tenure relations;
- Include a land governance specialist in the refugee settlement planning phase to obtain consent from customary landowners and enforce the legitimate land rights of host communities;
- Encourage diversification of livelihoods so that refugees and host communities do not have to rely entirely on land to meet all their livelihood needs. Environmental conservation techniques such as agroforestry, combined with the use of improved stoves, should be integrated into subsistence programmes to combat environmental degradation. These programmes should target both refugees/IDPs and host communities.

Given that the host communities also suffer the consequences of a crisis by sharing their public and private spaces and resources, equitable and targeted assistance should be considered. According to the UNHCR strategy of intervention, which targets 70% refugees and 30% of the host community, persons who lost their land and those whose livelihoods are most severely disrupted by the sharing of community resources with the newcomers should be targeted.

## CONCLUSION

---

Although in practise many land transactions involve displaced persons (refugees and IDPs), Cameroon's current legal framework on land does not stipulate any specific provision for secure access to land for the settlement and productive activities of refugees and internally displaced persons. This inadequacy further undermines the living conditions of these displaced persons.

The analysis of the land selection and acquisition process for the setting up of refugee camps in Cameroon also revealed the primary role of administrative and traditional authorities in land identification and extensions, the insufficient involvement of land administration and the lack of consideration of previous land use by host communities. In addition, there is a lack of consultation with host communities and poor access to information on the potential impacts of IDPs camps. This does not allow them to give their Free, Prior and Informed Consent, and to participate in the search for solutions for the sustainable integration of displaced persons. Furthermore, there is no mechanism for the retrocession of lands to the communities.

In general, host communities have benefited from a number of social infrastructures due to the presence of refugees. However, in addition to receiving no compensation for the loss of land and crops that were already there (case of Minawao); negative impacts are observable at the security, food, social and environmental levels. Faced with the massive purchase of land by refugees, land conflicts between future generations of host populations and refugees are foreseeable in the future. For their part, the already vulnerable refugees/IDPs have difficulties accessing land and face restrictions on the land they manage to acquire. This does not facilitate their empowerment and undermines their food security.

There is, therefore, a certain collusion between the housing, land and property rights of displaced persons on the one hand, and the land rights of host communities in terms of consultation, transparency, participation in land decision-making, compensation for losses incurred on the other hand. The current system does not adequately integrate the needs of either party, hence the recommendations made, will on the one hand, strengthen the rights of customary (legitimate) owners and on the other hand, facilitate secure access to land by displaced persons.

# REFERENCES

---

## Conventions, laws and regulations

- 1951 Convention relating to the Status of Refugees
- Kampala Convention (2009), African Union Convention for the Protection and Assistance to Internally Displaced Persons in Africa
- OAU Convention (1969) Governing the Specific Aspects of Refugee Problems in Africa
- Law No.2005/006 of 27 July 2005 on the status of refugees in Cameroon
- Law No.80-21 of 14 July 1980 amending and supplementing certain provisions of Ordinance No. 74-1 of 6 July 1974 on the land tenure system
- Ordinance No.74 of 6 July 1974 on the land tenure system
- Decree No. 2011/389 of 28 November 2011 to lay down the organization and functioning of refugee status management bodies in Cameroon
- Decree No.76-165 of 27 April 1976 to lay down the conditions for obtaining a land title
- Ordinance No.00001 / MINEPDED of 8 February 2016 to lay down the categories of operations whose implementation is subject to the completion of a Strategic Environmental Assessment or an Environmental and Social Impact Assessment.

## BIBLIOGRAPHY AND WEBOGRAPHY

- African Union (2006), the migration policy framework for Africa, Executive council, Ninth ordinary session, 25-29 June 2006, Banjul, Gambia
- Agblorti S. (2011), Refugee integration in Ghana: the host community's perspective, Research paper No 203 in New Issues in Refugee Research
- Association sphère (2018), Le manuel Sphère : la charte humanitaire et les standards minimum de l'intervention humanitaire, quatrième édition, <https://spherestandards.org/wp-content/uploads/Le-manuel-Sphere-2018-FR.pdf>
- Bamenjo J., Kouba S., Schwartz B. (2019), Droits fonciers : le Chaînon manquant pour la sécurité alimentaire au Cameroun, Briefing note, IIED, RELUFA, CED
- Bohnet H. et Schmitz-Pranghe C. (2019), Uganda: A role model for refugee integration ?, Working paper, BICC, [https://www.bicc.de/uploads/tx\\_bicctools/WP2\\_19\\_Uganda\\_web.pdf](https://www.bicc.de/uploads/tx_bicctools/WP2_19_Uganda_web.pdf)
- Brangeon S. et Bolivard E. (2017), L'impact environnemental du camp de réfugiés de Minawao : L'impact environnemental de la crise migratoire à l'Extrême-Nord du Cameroun et la prise en compte de l'environnement par les acteurs humanitaires, URD
- Chambers R. (1986), Hidden Losers? The Impact of Rural Refugees and Refugee programs on Poorer Hosts
- Crisp J. (2015), Forced Displacement in Africa: Dimensions, Difficulties and Policy Directions, <http://rsq.oxfordjournals.org/>,
- FAO (2012), Directives volontaires pour une gouvernance responsable des régimes fonciers applicables aux terres, aux pêches, et aux forêts dans le contexte de la sécurité alimentaire nationale
- FAO (2016), La gouvernance responsable des régimes fonciers et le droit, Un guide à l'usage des juristes et autres fournisseurs de services juridiques, Guide technique pour la gouvernance des régimes fonciers No 5
- Ferris E. et Stark C. (2012), Internal Displacement in West Africa: A snapshot
- HCR (1998), Principes directeurs relatifs au déplacement de personnes à l'intérieur de leur propre pays, <https://www.unhcr.org/fr/protection/idps/4b163f436/principes-directeurs-relatifs-deplacement-personnes-linterieur-propre-pays.html>
- HCR (2016), Stratégie nationale du secteur de protection au Cameroun 2016-2017
- HCR (2017), Communiqué de presse : Point sur la situation des réfugiés nigériens à l'Extrême-Nord du Cameroun, <https://www.humanitarianresponse.info/en/operations/cameroon/document/communiqu%C3%A9-de-presse-point-sur-la-situation-des-r%C3%A9fugi%C3%A9s-nig%C3%A9riens-%C3%A0-l>
- HCR (2019), Factsheet Cameroun du 31 Décembre 2019
- HCR(2019), Profil du site de Gado, <https://data2.unhcr.org/en/documents/download/72951>
- HCR (2019), Statistiques des personnes relevant de la compétence du HCR, <https://data2.unhcr.org/en/documents/download/67964>

- HCR (non daté), Camp planning standards (planned settlements) in UNHCR Emergency Handbook, 4 edition, <https://emergency.unhcr.org/entry/45581/camp-planning-standards-planned-settlements>
- HCR (non daté), Camp planning standards (planned settlements) in UNHCR Emergency Handbook, 4 edition, <https://emergency.unhcr.org/entry/225131/camp-strategy-guidance-planned-settlements>
- IRRI (2018), My children should stand strong to make sure we get our land back” : Host Community Perspectives of Uganda’s Lamwo refugee Settlement, Rights in Exile Policy Paper <http://refugee-rights.org/wp-content/uploads/2018/03/Lamwo-policy-paper-FINAL.pdf>
- IRRI (2018), Uganda’s refugee policies: The history, the politics, the way forward, in Right in Exile Policy Series
- Jastram K. et Achiron M. (2001), Protection des réfugiés : Guide sur le droit international relatif aux réfugiés
- Kamungi P. et Huggins C. (2005), Land Access and the return and Resettlement of IDPs and Refugees in Burundi,
- Lémougué J., Fofiri E., Kahou J. (2019), « Cameroun : les zones d’accueil des personnes déplacées, entre recomposition sociodémographique et gestion des personnes à besoins spécifiques », Alternatives Humanitaires, n°12, p. 59-75
- Levine S. et Adoko J. (2006), Land Rights and displacement in northern Uganda, in Humanitarian exchange, Issue number 34, page 23 – 25.
- Liz Alden Wily (2011), A qui appartient cette terre ? Le statut de la propriété foncière coutumière au Cameroun, CED, FERN, Rainforest Foundation UK
- Maiga O. (1998), Place de la Jachère dans les systèmes agraires de deux terroirs villageois au Mali, in Jachère et systèmes agraires, Acte d’atelier, <https://core.ac.uk/reader/39850148>
- Minfegue C. (2019), S’engager quand on est réfugié centrafricain à Garoua-Boulāï (Cameroun), Analyse des formes de mobilisation et des luttes dans un champ associatif humanitaire local, Carnets de Géographes, <https://journals.openedition.org/cdg/4493>
- NRC (2018), Déplacement forcé et accès au logement, à la terre et à la propriété : Cas de l’Extrême-Nord du Cameroun
- OIM (2020), Cameroun, Extrême-Nord : Rapport sur les déplacements, Round 20, du 25 Novembre au 06 Décembre 2019
- PAM (2017), Cameroon – Comprehensive Food Security and Vulnerability Analysis (CFSVA)
- Protocole de 1967 relatif au statut des réfugiés
- Tamekamta, A. (2018), « Le Cameroun face aux réfugiés centrafricains: Comprendre la crise migratoire et les résiliences subséquentes », Note d’analyses Sociopolitiques n°01, CARPADD, Montréal. URL : <https://www.carpadd.com/publications/note-danalyses-sociopo/>
- ZOGNONG D. (2001), « Le Cameroun et les réfugiés : Les dangers d’un vide juridique » in Gouvernance Alert No 6.

**First edition:**  
Network for the Fight Against Hunger (Cameroon), 2020. All rights reserved.

**For more informations, contact us:**  
Tel: +237 222 213 287 - 670 499 406  
Email: [info@relufa.org](mailto:info@relufa.org)

**Photos credits:**  
Relufa

**Design & Lay out:**  
CREATIVE CAMEROUN,  
E-mail: [info@creativecameroun.com](mailto:info@creativecameroun.com)  
[www.creativecameroun.com](http://www.creativecameroun.com)

Cameroon has a great tradition of welcoming refugees from neighbouring countries. In the past, this was justified by its political stability, although punctuated by a few ups and downs, such as the Bakassi conflict.

Inland, people were moving more because of natural disasters (floods, droughts, etc.) and this was temporary. From the 1970s onwards, displacements of people from areas with permanent water deficits had also been organised by the government to areas considered more favourable to agriculture, with the aim of facilitating the implementation of development projects.

Currently, Cameroon is affected by several internal and external crises causing many displacements of populations. These include the crisis in the Central African Republic (CAR), Boko Haram's repeated attacks on the Nigerian border strip, and the political crisis in the north-west and south-west regions of the country.

The settlement of displaced persons (IDPs and refugees) often requires previously inhabited spaces used by host communities for their production activities and are governed by both customary and modern law. The communities that host them often live in precarious conditions themselves. These findings therefore raise questions about the land acquisition process for the settlement of refugees and internally displaced persons (IDPs) and the participation of host communities in this process in Cameroon.

The purpose of this study is to analyze the legal framework and land acquisition practices for the settlement of refugees and internally displaced persons in relation to the land rights of host communities. At a time when the reform of the Land Act is under way, it is necessary to formulate proposals that take into account the migration context created by conflicts.