

Africa's land-tenure problems are complex and deep-rooted

by Paul Tchawa

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Conflicting claims: Unclear tenure leads to forest degradation and the loss of environmental services *Photo: E. Mansur*

In Africa, perhaps more than elsewhere, land has dimensions that go beyond production—such as cultural and anthropological dimensions. The issue of land must be mastered if we are to understand the conflicts that have occurred in the past and if we are to resolve the conflicts that are occurring today or might occur tomorrow.

The way in which land is dealt with can create conditions for the conservation of resources, or it can lead to their degradation. It can be inclusive, or it can be used to create exclusion. Efforts are being made to draw up appropriate land policies. Some sectors are more advanced than others.

The African Union recently coordinated a study of experiences of land policies in Africa and the development of a framework document. The framework document is to be validated by the Conference of Ministers and, by the end of the year, presented to a summit of the heads of state. I had the opportunity to be part of the group that edited this document and I take the floor now to share this experience.

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There is also insecurity of land tenure. In Cameroon, people with land titles are being threatened with eviction; the minister is going into the field to try to solve these types of problems directly. The rights of women and Indigenous people are often unrecognized. The patriarchal system does not favor women, who cannot inherit property. An important issue is the question of indigenism—some people feel they are more indigenous than others.

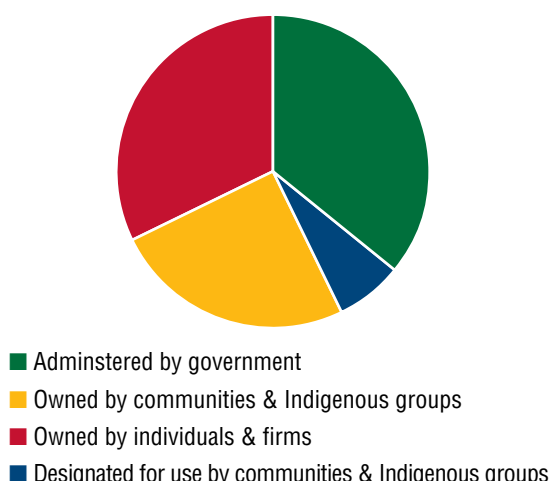
Despite the commonalities there are also very wide disparities in Africa. Some countries have new policies; in others, new policies are being drawn up. Countries that have not yet started the reform process are mostly in Central Africa.

In West Africa we are seeing regional tensions linked to cross-border migration and land problems concerning regional integration. There are latent conflicts in the Sahel related to the degradation of and disputes over pastoral resources. Urban land is coming under pressure as immigrants return to their countries after conflicts.

In East Africa, foreign investment in sensitive coastal areas is creating environmental problems. Kenya is experiencing internal conflicts over land that are exacerbated by historical and ethnic grievances. In Southern Africa a major issue is the redistribution of land, and another is the exclusion of the poor from the ownership of urban land.

In Central Africa, land tenure is strongly linked to rights to natural resources. Forest concessions often threaten the livelihoods of local communities. The exploitation of resources leads to degradation and the marginalization of Indigenous people, which is a serious problem of human rights.

Figure 1: Forest-tenure distribution in Latin America, 2008



Source: ITTO/RRRI (2009)

Figure 1 shows the distribution of land tenure in Latin America—there is a balance between what the state owns and what the private sector and communities own. But Figure 2 shows that, in Africa, the state is almost the sole manager of lands. Moreover, the table shows that the exploitation of forests in Central Africa is heavily skewed towards large-scale commercial interests. This should really make us think.

Imbalance in the control of forests in Central Africa

Country	Area under concessions (million hectares)	Area dedicated to communities (million hectares)
Democratic Republic of the Congo	33.5	0
Central African Republic	5.4	0
Congo	8.6	0.46
Gabon	18.7	0
Cameroon	7.3	1.14
Total	73.5	1.60

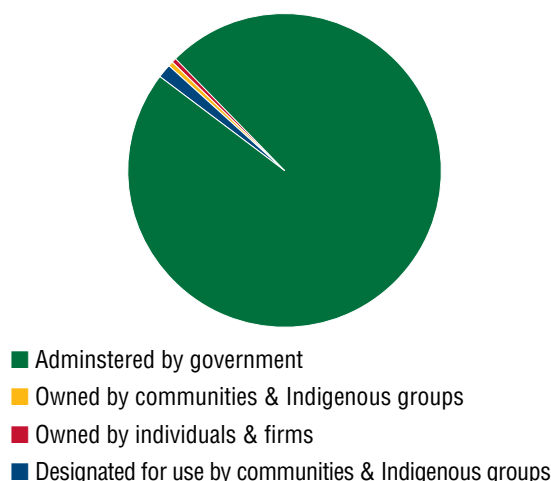
Source: ITTO/RRRI (2009)

Emerging challenges

Several emerging challenges make land-tenure and forest-tenure reform even more urgent in Africa. One of these is the world energy crisis, which is resulting in a scramble for African land. Bioenergy production might help to solve the energy crisis but it will lead to severe pressure on land-tenure systems. In Cameroon, for example, planned oil-palm plantations could cause major problems if land tenure is not resolved.

Dr Tchawa dedicated his presentation to the memory of Professor Okoth Ogenko, lead expert of the core drafting team of the framework document on land policies in Africa.

Figure 2: Forest-tenure distribution in Africa, 2008



Source: ITTO/RRRI (2009)

I agree that it is important to reduce asymmetry in knowledge and information. People need to have the same access to information and I feel that is a major challenge. We cannot expect people who cannot read or write to understand the extent to which they can defend their rights.

Dr Tchawa's response to a question from the floor

Reference

ITTO/RRRI. 2009. *Tropical forest tenure assessment: trends, challenges and opportunities*. ITTO and RRI, Yokohama and Washington, D.C.

Land tenure in Cameroon

Vincent Nkou Owona

Ministry of State Property and Land Tenure

In Cameroon the law recognizes four categories of land title: privately owned land (*domaine privé des particuliers*); land belonging to the state (*domaine privé de l'Etat*); public land (*domaine public*), such as roadways and traditional markets, etc; and, of most interest to this conference, *domaine national*—'national' land, which is land that does not belong to any of the first three categories. National land is divided into two categories: the first comprises land developed before 5 August 1974 and the second to land developed after that date.

To obtain title to land in the first category the procedure is simple—and has been further simplified recently. A person may submit an application to a competent officer within the Ministry of State Property and Land Tenure (MINDAF), who creates a file and sets a date to go to the field to delimit the land and settle disputes. The file is forwarded to a prefectural commission on land tenure, which establishes the validity of the claim; it also publishes the application in the regional journal. If, after 30 days, there is no objection, title may be awarded.

To obtain title to the second category of national land a claimant must submit a land-use plan and other documents. These are reviewed by a committee; if appropriate, the file is forwarded to the Minister of Land Tenure for an order, which gives the applicant provisional ownership of the land.