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This position paper incorporates the following contributions:

- The reflections of the civil society working group on the on-going land reform in Cameroon. The working group is a high-level strategic and operational team that follows up the ongoing land reforms and the impact of existing land laws on the living conditions of people in Cameroon. It was established as one of the organs of the NES, and is made up of nine (09) independent experts and representatives of civil society organizations, networks and platforms who have valuable experiences on land policy issues.

- Earlier proposals from some members of the national civil society platform for the promotion of land governance, regarding the Land Act of 1974, notably COMINSUD, CED, CAMORIF, COMAID, REPAR and APIDER.

- The discussions which took place during the inception workshop of the national civil society platform for the promotion of land governance held in Yaoundé from 16 to 17 October 2014, the NES steering committee meetings, and the inception workshops of the regional hubs of the civil society platform in Adamawa, Centre and North-West regions.

- The results of the studies and consultations conducted by the NES and other actors such the Analysis Framework of Land Governance (AFLG), the RRI platform, PROPAC, Cameroon Environmental Watch and traditional rulers on land issues.

Its legitimacy is built on specific concerns expressed by vulnerable groups as recorded by grassroots CSOs, opinion leaders and their legitimate representatives such as parliamentarians, traditional rulers, religious leaders and local elected officials. It complies with the provisions of international land tools, conventions and with mechanisms to which Cameroon adheres such as:


- The AU Framework and Guidelines on Land Policy in Africa adopted during the above mentioned ordinary session, with a call from the Heads of State for their effective implementation (2009).


The position paper was validated in a joint meeting of the working group and the steering committee, held in Yaoundé on January 9, 2015.

Cameroon has the ambition of becoming an emerging country by 2035. The growth and employment strategy developed for this purpose lays emphasis on the development of energy infrastructures, roads, ports and railways, diversification of economic and trade exchanges, increase in agricultural production and exploitation of natural resources.

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1 The Caucus of parliamentarians for the sustainable management of the ecosystems of dense and wetlands forests of Central Africa (REPAR) is a member of the NES Steering Committee.
These objectives cannot be achieved without a land legislation that is capable of meeting the requirements of this economic policy and the expectations of all stakeholders (the administration, regional and local authorities, national and foreign investors, civil society organizations, local and indigenous populations).

At the opening of the agro-pastoral show in Ebolowa, in January 17, 2011, the President of the Republic and Head of State instructed the Government to initiate land reforms in order to meet up with the requirements of the second generation of agriculture and with the expectations of the Cameroon's economic development program. The goal is to eventually provide the country with a new legal, institutional and policy framework for land management. The ministry in charge of land tenure (MINDCAF) initiated those reforms in 2012, and the drafts of the relevant texts are currently being developed and examined by various relevant public administrative institutions.

From a legal perspective, the following preliminary observations are worth noting:

- The land reforms of 1974, which stemmed from the land decree of July 21, 1932 were not voted as laws but were rather enacted as ordinances with the same legal strength laws.
- The concept of private ownership that resulted from these reforms, which at the same time rendered the State the sole custodian and distributor of land, has had only limited acceptance, considering the percentage of registered land (less than 10% of the total land held in the country) and the fact that 80% of the real estate market is still controlled by informal networks.
- These reforms favor land use rights to the detriment of the presumption of customary ownership. This does not allow the legitimate title holders to enjoy their rights, or protect them against threats and violations.
- At the time of its entry into force, the role of the traditional chief or village chief as an administrative actor and administrative unit respectively was not clarified by the Constitution.

In addition to these and more specifically, there are inconsistencies of the mechanisms for the protection of the land access and ownership rights of vulnerable communities. In Cameroon, this situation results to:

- The duality of customary property standards and positive land law;
- Insecurity of tenure within rural areas which, in the absence of a land title, fall under the category of forests pertaining to National Land, as they become recolonized by forest, even after a long-term development.
- Excessive and dense occupation of unsuitable and officially prohibited areas as well as in unstructured suburban areas in towns. This results into illegal occupation of urban spaces, insufficient supply of viable and equipped lands, and high prices.
- A very significant informal land market representing 80% of the total national land market, and which sometimes serves as a preliminary step to any land acquisition.
- Poor functioning of the operational institutional framework;
- Insufficient efforts in the settlement of land disputes;
- Land delinquency on the part of local and foreign investors;
- Land speculation and land grabbing for monopolistic purposes.
The representatives of civil society organizations, and local and indigenous populations, coming together within the framework of the National Engagement Strategy on Land Governance in Cameroon;

Committed to the success of land reforms given the effects and impacts that they will bring about in life and for the well-being of the populations and producers, on the activities of the private sector and on the national economy as a whole;

Concerned with bringing their consensual contribution to the on-going reforms of land regulations and policies;

Support and encourage the Government to carry on and implement the reforms of the land regime in Cameroon, and plead with the Government to consider the following relevant concerns in the new texts.
The concerns raised by the representatives of civil society organizations, and local and indigenous populations have to do with: (1) the nature of the land policy reforms, (2) the form of the legal instruments governing land, (3) the content of the rights recognized and guaranteed for local and indigenous populations in the new land regime, (4) the participation of indigenous and local populations and civil society organizations in land governance, (5) the creation of village or rural community spaces which co-exist with National Land, (6) the institution of a transitional period for the eviction of spontaneous occupants of public and private property of the state, (7) the repression of acts committed by land management agents and (8) the application of the law without discrimination.

1. The nature of the land policy reforms

Put in place land reforms which are inclusive, just, fair, pluralistic and consistent.

Land reforms concern all individuals who constitute the national community. It is both a sensitive and a delicate issue. It must therefore mobilize and take into account the needs, expectations, aspirations and concerns of all land stakeholders in Cameroon.

No category of people should feel excluded, marginalized or discriminated against in the reform process or in the implementation of reform land policy.

It must be pluralistic, so as to reconcile the land regulatory frameworks of the French speaking regions and those of the English speaking regions of the country, legitimacy and legality, and modern land regulations and customary land rights.

Finally, it should be consistent; that is, it must be in harmony with the policies and laws governing the management of other natural resources, so as to avoid conflicts and overlaps observed today in the legal texts governing the management of natural resources in Cameroon (forests, mining, land, oil, etc.).

2. The form of the legal instruments governing land

The land reforms must include (1) a document on land policy and cadastral issues, and (2) a draft law on land tenure in Cameroon.

Land management is a sensitive issue. It involves and concerns the whole national community. Its official regulation must meet the requirements of proper land planning as well as popular and democratic legitimacy.

Land planning requires that legislative or regulatory instruments governing land are preceded by the development of a policy that gives the overall vision of land management within a country. Land tenure has been governed by an Ordinance for forty (40) years.

2.1. For popular and democratic legitimacy to be achieved, it is necessary for the reforms to be done through a law voted by Cameroon’s Parliament.

2.2. The liberalization of political life and the progressive construction of a democracy require that this law be approved by national representatives of all the communities of the country: this would contribute in improving the content and quality of the documents of the reform.
3. The content of the rights recognized and guaranteed for local and indigenous populations in the new land tenure system

Recognize, protect and guarantee a set of fundamental rights of local and indigenous populations in land administration.

Basically, these rights have to do with the following:

3.1. A clearer and more precise definition of concepts related to land management, such as: local population, vital space, village, traditional leaders/palace, indigenous people, rural land, obvious influence of man on earth, prospective use of land, etc. based on international instruments to which the State of Cameroon is a party.

3.2. The establishment of mechanisms for securing land or land registration adapted to the needs of local and indigenous people.

3.3. The institutionalization of the consultation, and of the free prior informed consent of local and indigenous populations, in case of any large-scale land deals.

3.4. The recognition and institutionalization of the rights of access to land for women, youth and indigenous people ('Pygmies' and Mbororos).

3.5. The limitation to 10 hectares of the maximum area that may be acquired in national land through direct registration by a single individual, within the entire national territory.

3.6. The simplification and shortening of procedures and deadlines, and the reduction of the cost of access to land.

3.7. The establishment of the principle of effective payment and resettlement before executing any decision for expropriation in the public interest or any eviction from a piece of land occupied in a peaceful manner, and according to customary rules.

3.8. The formalization of the allocation and redistribution of land tax through specific texts.

4. The participation of indigenous and local populations and civil society organizations in land governance

Integrate mechanisms for the participation of local and indigenous populations, and civil society organizations in land governance and land administration processes.

Several concurrent studies have shown that there are gaps in national land legislation as concerns the participation of local and indigenous populations as well as CSOs in the processes of governance and land use regulation. Proposed mechanisms include:

4.1. The facilitation of access to information by local and indigenous populations and CSOs through the publication of information related to land transactions in the communities.

4.2. The integration of persons other than the chiefs and notables (such as elected representatives) in the land consultative board.

4.3. The strengthening of the role of traditional authorities in the land consultative board, the competence of the land consultative board in the local management of land disputes, and the allocation of financial and logistical means to the board, for their effective functioning.

4.4. The creation of a national land governance consultation and regulation council with local branches.

4.5. The institution by legal means, of one-stop desks for granting land concessions to nationals and foreign investors, in line with Arrêté No.109/MINDCAF/S030 of 08/04/2010 on the creation, organization and functioning of one-stop desks, for facilitating land transactions to commercial enterprises.

4.6. Ensure the centralization of data collected by divisional one-stop desks, at the regional and central offices.

The institution of independent and local land management observation mechanisms.
5. The creation of village or rural community spaces which co-exist with National Land

Create village or rural community spaces, which co-exist with National Land, and which will be recognized as customary land and governed by the innovative provisions of the new land law.

According to custom, ownership is evidenced by the approval of local residents who admit that the occupant and / or his family have been peacefully occupied the said piece of land for a long time whether the land is developed or not.

Most land conflicts between different stakeholders in rural areas are in National Land. Despite the fact that national land is officially administered and managed by the State according to the ordinance of 1974, it has been occupied and used on a daily basis for thousands of years by the village communities under customary and family devolution.

5.1. The law to be voted must therefore incorporate into its transitional provisions, recognition, at the request of the occupants, of ownership of customary possessions whose use is peaceful, ancestral lands, residential lands, farming lands, plantations, grazing lands, ground paths, cultural and traditional sites.

5.2. After the enactment of this law, a period of 10 years could be allowed for these customary owners to apply for the full customary ownership of the lands, which they claim to have today.

6. The institution of a transitional period for the eviction of spontaneous occupants of public and private property of the state

Institute in the land laws of Cameroon, a provision granting a transitional period for the effective eviction of people who have spontaneously occupied the public and private property of the State, to enable them relocate, with the support and guidance of public authorities and civil society organizations, and with a shared schedule.

In the urban milieu, many people spontaneously occupy plots that fall under public or private property of the state.

Most often, they acquire these plots through transactions with private agreements that have no legal status and in disregard of the law in force.

When eviction operations are undertaken, it is necessary, in line with the right to decent housing, that (1) these occupants are given a transitional period to enable them find a resettlement site, (2) there are land banks so that plots are available for allotment, and (3) there is a support from the government and civil society organizations for the resettlement process.

6.1. The transitional period should be at least two (02) years, and should be decided only after an exhaustive survey of households, corporations, and individuals affected by the eviction process, and upon their notification by the competent authority.

6.2. The process for the creation of land reserves should as much as possible, take the form of concerted urban development operations, involving local residents as partners, instead of massive expropriations.

6.3. The desired support and accompanying should be governed by the laws organizing the National land governance consultation and regulation Council, and the Independent and Local land management observation mechanisms (see 4.4 and 4.7).
7. Repression of acts committed by management agents

Establish in the land laws, provisions against acts committed by agents of the Ministry in charge of surveys and land affairs in the exercise of their functions.

A significant number of conflicts related to land management in Cameroon can be attributed to faults committed by agents of the Ministry in charge of surveys and land affairs in the exercise of their functions.

But because the repressive legislative framework for this type of offense is weak, they revert to, and perpetuate their acts against the interests of the State and users.

7.1. The new land laws should solve this problem by prescribing a set of sanctions that would be applied to this class of agents of the Ministry in charge of survey and land affairs.

7.2. These sanctions should also target agents of other ministries and members of the various committees involved in the management of land issues in case of complicity or coercion.

8. Application of the law without discrimination

Establish in the new land laws of Cameroon, a provision on non-discrimination, so as to ensure its fair application for all.

Many stakeholders suspect discrimination in the treatment of issues related to land transactions and the management of land related litigations.

This is the case for instance, of women, indigenous populations and small producers.

The new law must therefore repress any situation where someone is treated, on the basis of his/her effective or supposed belonging or non-belonging to an ethnic group or race, religion, belief, age, disability, sex or place of residence, in a less favorable manner than another who is not, has not been, or will not be in a similar situation.
<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>ACDIC:</td>
<td>Association Camerounaise pour la Défense des Intérêts Collectifs</td>
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<tr>
<td>APIDER:</td>
<td>Association pour la Promotion des Initiatives de Développement Rural</td>
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<td>CAGF:</td>
<td>Cadre d'Analyse de la Gouvernance Foncière</td>
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<td>CAMORIF:</td>
<td>Cameroon Movement on Right to Food</td>
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<td>CED:</td>
<td>Centre pour l'Environnement et le Développement</td>
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<td>CEMAC:</td>
<td>Communauté Economique et Monétaire d'Afrique Centrale</td>
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<td>CEW:</td>
<td>Cameroon Environmental Watch</td>
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<td>COMINSUD:</td>
<td>Community Initiative for Sustainable Development</td>
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<td>CTD:</td>
<td>Collectivité Territoriale Décentralisées</td>
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<td>FAO:</td>
<td>Food and Agriculture Organization</td>
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<td>ILC:</td>
<td>International Land Coalition</td>
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<td>MBOSCUDA:</td>
<td>Mbororo Social and Cultural Development Association</td>
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<td>MINDCAF:</td>
<td>Ministère des Domaines, du Cadastre et des Affaires Foncières</td>
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<td>CSO:</td>
<td>Civil Society Organisation</td>
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<td>PROPAC:</td>
<td>Plateforme Régionale des Organisations Paysannes d'Afrique Centrale</td>
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<td>ReCTrad:</td>
<td>Réseau des Chefs Traditionnels pour la conservation de l'environnement et la gestion durable des écosystèmes du Bassin du Congo</td>
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<td>REPAR:</td>
<td>Réseau des Parlementaires pour la Gestion durable des Ecosystèmes de Forêts denses et Humides d'Afrique Centrale</td>
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<td>NES:</td>
<td>National Engagement Strategy</td>
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<td>AU:</td>
<td>African Union</td>
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National legislative frameworks on land, that govern land rights, are instrumental to the wellbeing of rural women and men in many African countries. These frameworks are thus crucial for the work of the International Land Coalition (ILC) whose mission is to promote secure and equitable access to and control over land for the poor. In this realm, ILC’s National Engagement Strategy (NES) serves to engage like-minded partners, in a coordinated manner, at the national level, in order to obtain land-related laws and policies that benefit the vulnerable and marginalized.

In Cameroon, the ILC NES process is being led by a steering committee of ten NGOs and networks, including the only two members of ILC, MBOSCUDA and CED. These organizations are working together to address land rights challenges including obsolete land tenure regulation, the exclusion of women and indigenous peoples, a lack of recognition of land holding under customary law, and a rise in shady large scale land deals resulting from an intensification of mining activities and a switch to second generation agriculture.
Cameroon’s land tenure regulation is characterized by several loopholes that render it generally unresponsive to the needs of various vulnerable groups, such as women and indigenous people in particular and poor rural communities in general.

These loopholes are also largely responsible for the surge in land related conflicts resulting from pressure from international and local large scale investors and speculators who are benefitting from the state of the land governance framework to “grab” large expanses of arable land to the detriment of poor rural communities and other vulnerable groups. Other sources of pressure on land are large-scale projects such as the construction of large dams, the intensification of mining activities and large commercial plantations, which are amplifying major land use changes to the detriment of local communities. Many communities feel systematically detached from their land as a result of the inappropriateness of the current land governance system, which has failed to protect their land rights and interests.

The NES process in Cameroon seeks to address this situation by creating a people - centred land policy environment that responds to, and protects the land rights and interests of vulnerable groups such as smallholder farmers, women and indigenous people, thereby guaranteeing their socio-economic and cultural wellbeing. Since 2012, Cameroon’s Ministry of Lands and State Property is leading a land policy reform process, which is expected to improve the land governance framework of the country and render it more adapted to the present global and national context. NES Cameroon seeks to contribute to this land policy reform process in a bid to ensure that the resulting policy is adequately responsive to, and protects the land rights and interests of these vulnerable groups.
The overall objective of ILC’s National Engagement Strategy for Cameroon is to contribute in creating a land policy environment that responds to, and protects the land rights and interests of vulnerable groups such as smallholder farmers, women and indigenous people thereby guaranteeing their socio-economic and cultural wellbeing.

ILC’s National Engagement Strategy for Cameroon specifically seeks to:

- Influence the on-going policy reform process initiated and spearheaded by Cameroon’s ministry in charge of lands, in order to ensure that the resulting policy framework is more responsive to the needs and interests of the vulnerable segments of the population,
- Contribute to the improvement of pro-poor land rights administration within the framework of the reformed land policy environment,
- Strengthen the capacity of communities to play a frontline role in negotiating, protecting and defending their land rights,
- Strengthen the capacities of Cameroon's civil society to organize and act in order to ensure good land governance and defend the land access and ownership rights of poor and vulnerable communities.
The ILC NES Cameroon has identified five priority areas of action, with activities being implemented under each priority area:

**Activities that aim to influence the on-going land policy reform process in order to ensure that the resulting policy framework is more responsive to the needs and interests of the vulnerable segments of the population PA KG**

- Put in place a civil society working group to follow up the on-going land policy reform process
- Carry out a detailed assessment of Cameroon’s land policy and sector strategies that have implications for the land access and ownership rights of vulnerable communities
- Organize reflection meetings to develop and harmonize strategies for proper collaboration and coordination of efforts to strengthen the on-going land policy reform process
- Formulate proposals and elaborate technical documents on issues to be considered in the on-going land reforms in order to strengthen the land access and ownership rights of the vulnerable segments of the population
- Organize advocacy meetings with top policy makers to sell the views and proposals of the CSOs on land policy reforms and governance framework

**Activities that aim to contribute to the improvement of pro-poor land rights administration within the framework of the reformed land policy environment AR, KG**

- Compile a smart and simplified compendium of land governance regulatory instruments and implementation frameworks
- Engage community radios to carry out regular information and sensitization programs on land governance issues with particular focus on the promotion of the land access and ownership rights of vulnerable communities
- Carry out broad based information and sensitization campaigns for frontline land governance actors on current national and international instruments that promote responsible land governance

**Activities that aim to strengthen the capacity of communities to play a frontline role in negotiating, protecting and defending their land rights CB, AR, KG**

- Facilitate the elaboration of a guide (with communities) that contain approaches, steps and tools for engagement in negotiations, raising alarm and/or seeking redress in case of violation of their rights
- Organize capacity building for community leaders on how to use the guide to protect and/or defend their land rights
- Sensitize, mobilize and accompany villages and councils to elaborate simple land use plans with concrete measures to secure community land

**Activities that aim to strengthen the capacities of Cameroon’s civil society to organize and act in order to ensure good land governance and to defend the land access and ownership rights of poor and vulnerable communities CB, AR, KG**

- Set up and operationalize a civil society platform for the promotion of land governance in Cameroon
- Organize training sessions on public engagement, lobbying and advocacy, and monitoring of land instruments to promote land governance
- Provide support to CSOs in each of the 10 regions of Cameroon to set up and operationalize regional hubs to monitor land administration at local level
1. The Steering Committee

**Nature of the Steering Committee**

The Steering Committee is responsible for implementing the NES process in Cameroon. It is made up of ten (10) members from the organizations, networks and civil society platforms, with proven experience on land issues.

**Missions of the Steering Committee**

- Provide leadership in the implementation process of the NES;
- Recruit staff and ensure the functioning of the NES Secretariat;
- Recruit consultants and ensure their effective delivery of services;
- Ensure the judicious use of material, human and financial resources of the NES;
- Ensure effective implementation and efficient actions as recommended by the NES;
- Support the NES Secretariat in mobilizing additional resources for the implementation of the activities of the NES;
- Review and approve action plans, budgets and reports submitted by the Secretariat.

2. The Working Group

**Nature of the Working Group**

The working group is a high-level strategic and operational panel of reflection on the revision of the Land Law and its impact on the living conditions of people in Cameroon. It is made up of five (05) members from the organizations, networks, and platforms of the civil society, with proven experience on land issues. This is a body that provides technical contribution in support of the Steering Committee. It includes the experts chosen as individuals, or appointed by their respective structures. In either case, no voice is predominant in the Committee.

**Missions of the Working Group**

- Collect information on land reform and the concerns of residents on the residential sites: at both national, regional and local levels;
- Meet quarterly or as needed to review the progress of the reform;
- Make recommendations to the Steering Committee on the basis of the indicators of the strategic and operational analysis of the ongoing reform.
3. The National platform

**Nature of the National platform**

The National Platform is the supreme decision-making body of the NES process in Cameroon. In the NES chart, it is a sort of General Assembly. It is made up of networks, platforms, civil society organizations, and other non-governmental actors involved in the promotion of land governance (trade unions, faith communities, etc.).

This platform is headed by an elected president; representative of an organization which is a member of ILC in Cameroon. The person elected will be a statutory member of the NES Steering Committee.

**The Missions of National Platform**

Meet every six months to:

- Discuss advances in land governance situation in Cameroon in general, and in the NES in particular;
- Determine the overall direction and common actions to be undertaken, so as to improve the situation;
- Participate in the operation of the monitoring-assessment system of the NES.

The Platform is represented in each region by a regional Hub. Each Hub is run by a Hub facilitator elected by the organizations that make its membership. The Hub handles the monitoring of land governance and related administrative actions, locally. For 2014, only Adamawa, Centre and North - West Hubs will be functional as pilot Hubs.
General supervision: El Hadj Manu Jaji Gidado, Alternate Senator & National – President, MBOSCUDA and Samuel NGUIFFO, Secretary General, CED

Technical coordination: Joseph Désiré ZEBAZE, Coordinator, NES Cameroon.

Members of the Working Group (WG):
- Ndi Richard Tanto (PhD), Director, Ecumenical Service for Peace (WG’s President for the first trimester)
- CHIMOUN Salomon, Deputy Coordinator, RECODH (acting WG’s President)
- BIGOMBE LOGO Patrice, Director General, CERAD
- Tientcheu Bertrand, Coordinator, CAMORIF
- Achille NDAIMAI, Permanent Secretary, DESC Cameroon Platform
- ATANGANA ETME EMEIAN, Promoter, of the portal: www.atangana-eteme-emeran.com
- DONGMO Bernard, Facilitator, COLAT
- Sylvanus Shulika Binla, Permanent Secretary, MBP-CAM
- Clémence Martiale Tabodo, Chargée de Programme « land and resources justice », RELUFA

Members of the Steering Committee:
- Musa Usman NDAMBA, MBOSCUDA
- Samuel NGUIFFO, CED
- Fon SOH, COMINSUD
- Nga Célestín, PROPAC
- Yvonne TAKANG and Marčin NDZEGANG, ACDIC
- Mary NYUYINWI, RRI Platform
- Justice Florence AWASOM, Lawyer
- Eva Paule MOUZONG, IUCN
- HH MAMA Jean Marie, Senator, REPAR
- Stéphane AKOA, FPAE

Reading and harmonization:
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- Patrice BIGOMBE LOGO

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- Dr GAMBO HAMADOU, APROSPEN
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- Shei KANJO William, LGA, NES Cameroon
- Willy DIJANANG, CERAD

Translation: Jésus KANA

Pictures: Joseph Désiré ZEBAZE and Eva Paule MOUZONG

*This list is not exhaustive. It has not taken into account all members of the national platform NES, or all members of the pilot regional hubs already operational (Adamawa, Centre and North - West).*