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增进和保护所有人权——公民权利、政治权利、
经济、社会和文化权利，包括发展权

食物权问题特别报告员奥利维尔·德舒特的报告

增编

对喀麦隆的访问*

概要

这是食物权问题特别报告员 2012 年 7 月 16 日至 23 日访问喀麦隆的报告。报告首先简要介绍了访问情况，接着介绍了该国粮食无保障的状况，包括北部地区居民以及边缘化和弱势群体尤为令人担忧的状况；以及为保证状况不再恶化所做的努力(第二节)。报告然后介绍了保障食物权的立法和制度框架(第三节)，分析了落实食物权最重要的三大要素：改善食物的供应、获取和可持续性(第四节)。报告研究了喀麦隆如何运用“最大程度地利用现有资源，包括自然资源开发收入”的原则，确保食物权(第五节)。第六节介绍了食物权问题国家战略的核心内容。最后，向该国政府、国际组织以及发展伙伴提出了建议。

* 本报告概要以所有正式语文分发。报告本身附于概要之后，仅以原文和英文分发。

Annex

[English and French only]

Report of the Special Rapporteur on the right to food, Olivier De Schutter, on his mission to Cameroon

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I. Introduction

1. The Special Rapporteur on the right to food undertook an official visit to Cameroon between 16 and 23 July 2012, at the invitation of the Government. During his mission, he met with several members of the Government, including the Deputy Prime Minister and Minister for Justice, the Minister of the Economy, Planning and Regional Development, the Minister of Social Affairs, the Minister of Finance, the Minister of Trade, the Minister of Health, the Minister for the Advancement of Women and Promotion of the Family, the Minister for Forestry and Wildlife, and the Minister for Livestock, Fishing and Animal Husbandry. He also had high-level meetings at the Ministry of Foreign Affairs, where he met with the Minister of State, and at the Ministry of Property and Land Affairs, the Ministry of Scientific Research and Innovation, and the Ministry of Agriculture and Rural Development, where he met with the Minister of State for Rural Development. He had discussions with several members of the National Assembly, including the Speaker of the Assembly and the President of the Constitutional Law Commission. He held a working meeting with representatives of the Institute for Agricultural Research for Development and he also met with the President and members of the National Commission for Human Rights and Freedoms.

2. In order to obtain additional information, the Special Rapporteur conducted several field visits. He visited the main prisons and the central prison in Yaoundé. He travelled to Maroua and Kousséri in the Far North region and to several neighbouring towns, as well as the South region, where he visited Kribi and some neighbouring plantations. He held four round-table discussions with civil society organizations in the capital and in Maroua, during the course of which he met with representatives of close to 40 non-governmental organizations (NGOs). Lastly, he had a number of exchanges with representatives of United Nations organizations in the country.

3. The Special Rapporteur is grateful to all those who facilitated his mission. The cooperation with the Ministry of Foreign Affairs was very efficient and the collaboration with the Centre for Human Rights and Democracy in Central Africa was excellent. The Special Rapporteur is grateful to the director of operations of the World Food Programme (WFP) in Cameroon and the United Nations Resident Coordinator in Cameroon.

II. Food insecurity

A. The general situation

4. Notwithstanding the fact that it has adopted a series of poverty reduction measures, Cameroon has made little progress in eradicating poverty and hunger over the past 10 years, and it will not be in a position to meet the targets set in the Millennium Development Goal relating to this subject area. The proportion of the population living below the poverty line has remained virtually stable (approximately 40 per cent) since 2001 and the prevalence of food insecurity has decreased only slightly.¹

5. Within this overall picture, there are significant disparities. People living in rural areas are more vulnerable to food insecurity than those living in urban centres: 9.6 per cent of rural households, as compared to 6.7 per cent of urban households, do not have access to

¹ Republic of Cameroon (2009), *Document de stratégie pour la croissance et l'emploi 2010/2020 (Growth and Employment Strategy Document, 2010–2020)*, p. 15.

sufficient food because of poverty and their inability to produce enough food for their own consumption.²

6. The statistics on malnutrition paint a similar picture. Approximately 33 per cent of children suffer from chronic malnutrition, which seriously hinders their growth and development. The situation is particularly serious in rural areas: 20 per cent of children in rural areas are underweight, as compared to 7 per cent of children in urban areas.³ There are also wide regional disparities. Food insecurity rates range between 17.9 per cent and 15.4 per cent in the Far North and North regions and 0.7 per cent and 2.0 per cent in the South-West and North-West regions.⁴

7. The economic crisis that began in 1987, as the oil boom (1978–1986) ended and international prices for the country's main exports were falling, did lasting damage to the initiatives taken by Cameroon to realize the right to food. In 1997, the ongoing crisis forced the country to embark on a series of structural adjustment programmes in which priority was given to achieving economic growth and re-establishing macroeconomic equilibrium. This limited the authorities' capacity to support agricultural and rural development and the social sector. As part of the adjustments process, large public companies in the agrifood sector were privatized. Furthermore, the entry into force, in 1995, of an agreement on agriculture, resulted in a substantial reduction in preferential access to Europe for export products.

8. Against this backdrop, the efforts undertaken in the framework of the Poverty Reduction Strategy Document (2003–2007) yielded few results, given what the Government itself referred to as the “almost total disengagement of the State from rural areas”.⁵ When prices rose at the beginning of 2000–2010, negatively affecting consumers, the revenue of agricultural producers shrank. This situation prompted the Food and Agriculture Organization of the United Nations (FAO) to call for more robust redistribution policies to mitigate the impact of unequal growth.

9. A new phase is now under way. Clearly, the crisis and the structural adjustments process continue to have an impact, notably on debt repayments and the administrative capacity of the State. However, following the 2008 food crisis, Cameroon decided to redefine its agricultural and rural development policies. The renewed interest in natural resources — agricultural land, forests and mineral resources, particularly oil — is generating new revenue. The mission took place against this general background.

B. Situation in the northern regions

10. The high level of food insecurity in the northern regions (Adamaoua, North and Far North), which encompass the Sudano-Sahelian agrieological zone, can be attributed to climatic conditions and recurrent climatic challenges, including the floods of 2010 and the droughts of 2009 and 2011. In 2011, 81 per cent of rural households in the Far North, where 30 per cent of Cameroonians live, were food insecure. At the time of the Special

² World Food Programme, FAO, Republic of Cameroon, *Comprehensive Food Security and Vulnerability Analysis*, April/May 2011, p. 3.

³ Republic of Cameroon, *Enquête démographique et de santé à indicateurs multiples EDS-MICS 2011, Rapport préliminaire (Multiple indicator demographic and health study, Preliminary report)*, October 2011, p. 23.

⁴ World Food Programme, FAO, Republic of Cameroon, *Comprehensive Food Security and Vulnerability Analysis*, p. 5.

⁵ Republic of Cameroon, *Document de stratégie pour la croissance et l'emploi, 2010–2020 (Strategy Document for Growth and Employment 2010–2020)*, pp. 12 and 42.

Rapporteur's visit, the Government had declared a state of emergency in the Far North region, and a call for international assistance had been issued. An early warning unit had been set up in the Government to coordinate the response to recurring food emergencies.

11. The Special Rapporteur welcomes these initiatives. However, during his meeting in Maroua with members of the humanitarian cluster that includes representatives of the Government and United Nations organizations (WFP, FAO, the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO)), and that was conducting a humanitarian operation to help households in areas affected by the drought,⁶ he was struck by the limited capacity of these structures and the lack of resources at their disposal to deal with the humanitarian crisis. It has been shown that taking action early on to strengthen local production capacity and prepare the population to deal with the impact of climatic shocks is both more effective and less costly than intervening after a crisis has already started. The Special Rapporteur calls on the partners of Cameroon to bear this in mind when deciding how to respond to appeals to the international community.

C. Marginalized and vulnerable groups

Prisoners' right to food

12. During his visits to the main prisons and central prison in Yaoundé, the Special Rapporteur was able to evaluate the situation of prisoners with regard to the right to food. Men are entitled to a single daily ration, generally made up of fufu, maize, millet or rice and sometimes including green vegetables, meat or fish. Women receive food at regular intervals, which they prepare themselves. Furthermore, both male and female prisoners who can afford to do so can order food from a messenger, who will buy it outside the prison. An estimated one third of prisoners in Yaoundé central prison receive additional food from family members during prison visits.

13. The current situation is not satisfactory. When a State decides to deprive persons of their liberty, it undertakes to treat them with humanity and to provide conditions of detention that are consistent with respect for human dignity and do not lead to inhuman or degrading treatment.⁷ This implies, in particular, that the State should provide prisoners with sufficient and adequate food so that they do not have to rely on food brought in by members of their families in order to be able to feed themselves properly. Account must also be taken of the particular needs of pregnant and breastfeeding women.

14. Article 20, paragraph 1 of the Standard Minimum Rules for the Treatment of Prisoners provides that "Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served."⁸ The argument that there are insufficient budgetary resources is not acceptable. In fact, it was when adopting a decision on Cameroon that the Human Rights Committee recalled that article 20 of the Standard Minimum Rules for the Treatment of Prisoners should always be observed, "even if economic or budgetary considerations may make compliance with these obligations difficult".⁹ This applies all the

⁶ World Food Programme, *Emergency Operation Cameroon 200396*.

⁷ Articles 7 and 10 of the International Covenant on Civil and Political Rights.

⁸ Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.

⁹ *Albert Womah Mukong v. Cameroon*, communication No. 458/1991, CCPR/C/51/D/48/1991 (1994), para. 9.3.

more so in the case of Cameroon, where levels of prison overcrowding are high,¹⁰ due, in particular, to excessive recourse to pretrial detention.

Indigenous peoples

15. The indigenous communities of Cameroon comprise the indigenous forest people, or “Pygmies”, who live from hunting, fishing and gathering (the Bagyeli or Bakola, Baka and Bedzan); the nomadic Mbororo herders (the Wodaabe, Jafun, and Galegi); and the people of the Kirdi mountain communities. The total number of Pygmies is estimated at 40,000–50,000, representing approximately 0.25 per cent of the total population. The Mbororo are a larger group, consisting of approximately 1.85 million persons (about 9 per cent of the total population), and include the Wodaabe (in the North), the Jafun (all regions) and the Galegi (the East, Adamaoua, West and North-West regions). The Kirdi, whose numbers are unknown, live in the Mandara mountains in the North.¹¹

16. There are no reliable national statistics on the socioeconomic situation of indigenous peoples. However, several studies have shown that indigenous communities in Cameroon are particularly at risk when it comes to the enjoyment of the right to adequate food. The Special Rapporteur welcomes the various efforts undertaken to combat discrimination against indigenous peoples and to ensure that particular attention is afforded to them in public policymaking. He encourages the Government to build on its efforts by giving specific recognition to indigenous groups in accordance with international law. As has been noted by the United Nations human rights treaty bodies and the African Commission on Human and Peoples’ Rights, the terminology currently used to designate indigenous peoples is not in line with the United Nations Declaration on the Rights of Indigenous Peoples.¹² This situation should be remedied in the bill on marginal groups that is currently being drafted.

17. According to the Declaration on the Rights of Indigenous Peoples, indigenous peoples “shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return” (art. 10). Furthermore, States should take “effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means” (art. 13).

18. Pygmies rely for their livelihood on hunting and gathering, as well as non-timber forest products (honey, wild yams, caterpillars, fruit, snails, etc.). They therefore rely directly on access to forests for their food, and forests are an integral part of their cultural identity. However, from his meetings with various groups of Pygmies, the Special Rapporteur has concluded that, to date, the views of these communities have not been taken into account in decisions concerning the concession of territory on which they rely for their subsistence. Furthermore, these groups do not generally benefit in any way from the exploitation of their land by the forest industry.

¹⁰ At the time of the visit, there were 3,900 prisoners in Yaoundé’s central prison, which has a capacity of 2,000.

¹¹ IWGIA, *The Indigenous World – 2012*, p. 475; ILO, *Indigenous and Tribal Peoples and Poverty Reduction Strategies in Cameroon*, 2005, p. 23.

¹² African Commission on Human and Peoples’ Rights, *Cameroon Concluding Observations and Recommendations on the 3rd Periodic Report on Cameroon*, 47th Ordinary Session ACHPR, 12–26 May 2010.

19. If appropriate measures are not taken to protect their rights, development projects such as forest exploitation and large-scale plantations will further marginalize the Pygmies, instead of improving their situation. Therefore, particularly when it comes to regulating protection for users of the land, account must be taken of the fact that Pygmies have a nomadic existence and do not practise agriculture. Thus, they cannot prove that they rely on a given zone. As for the distribution of forest royalties, it must be borne in mind that the sedentary Bantu communities do not represent the interests of all the local communities that may be affected by exploitation activities. The interests of the Pygmies deserve and require specific representation.

Refugees

20. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), there are currently some 110,000 refugees in Cameroon, primarily from the Central African Republic (approximately 85,000). Levels of malnutrition and food insecurity are particularly high among this refugee population. According to a recent study, 55 per cent of Central African households in Cameroon are food insecure.¹³

III. Legal framework

21. The preamble of the Constitution of Cameroon, which was adopted in 1996 and amended most recently in 2008, refers to the right to development and to a commitment to harnessing the country's natural resources so as to ensure the well-being of all citizens without discrimination. The text affirms the right of all persons to an adequate standard of living, including adequate food, in terms similar to those used in article 11 of the International Covenant on Economic, Social and Cultural Rights (art. 25). The Constitution also states that international treaties that have entered into force for Cameroon take precedence over domestic laws (art. 45).

22. In principle, these provisions should help the Cameroonian courts to safeguard the right to food, as they can draw, inter alia, on the interpretation of the Covenant by the Committee on Economic, Social and Cultural Rights and on the interpretation of the African Charter on Human and Peoples' Rights by the African Commission on Human and Peoples' Rights. With the exception of the Convention on the Elimination of All Forms of Discrimination against Women, however, the Cameroonian courts do not invoke the international human rights treaties ratified by the Republic of Cameroon. Progress could be made on this front, if better information were provided to members of the judiciary about these possibilities and about the continuing education programmes available to them at the National School of the Judiciary.

23. The Special Rapporteur recalls that if the right to food is to be realized, the rights which allow people to invoke it, such as freedom of expression and of peaceful assembly and the right of access to an independent and impartial justice system, must also be guaranteed. He is concerned by reports about a number of incidents in which attempts were allegedly made to dissuade defenders of the right to food from carrying out their work and from applying to the courts to order protection measures. This is a particular issue in cases where complainants file suits against decisions to cede land under conditions that threaten

¹³ Republic of Cameroon, UNHCR, WFP, *Évaluation approfondie du programme d'assistance aux réfugiés tchadiens de Langui (Nord) et centrafricains dans les régions de l'est et de l'Adamaoua du Cameroun (In-depth evaluation of the assistance programme for Chadian refugees in Langui (North) and Central African refugees in the eastern and Adamaoua regions of Cameroon)*, Final report, May 2012, p. 5.

the livelihood of the local population, or report embezzlement or the misuse of Government revenue. The Special Rapporteur had separate meetings with the authorities about these matters. He recalls the obligations established under the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the United Nations General Assembly by its resolution 53/144 of 8 March 1999, as well as the importance of ensuring access to independent and impartial justice in the context of defending the right to food.

24. The Special Rapporteur invites the countries of origin of foreigners that invest in the agro-industry, forestry and extractive industry sectors in Cameroon to provide local communities with all relevant information so that these communities can contribute to the implementation of the procedures established under domestic law to give effect to the United Nations Convention against Corruption. In this way, they can meet their obligation to actively involve civil society, non-governmental organizations and community-based organizations in anti-corruption activities by, for example, offering them the opportunity to report offences anonymously (art. 13).

IV. Elements of the right to food

25. The Special Rapporteur's mission in July 2012, at a time when prices of agrifood products on the international market look set to rise once again, provides an opportunity to review three important aspects of the realization of the right to food: improving the *availability* of food in the territory; improving *access* to food; and ensuring the environmental *sustainability* of choices made in regard to food security.

A. Availability

26. Sixty per cent of the Cameroonian population (12 million inhabitants) depend on small-scale agriculture, livestock farming and fishing for their livelihood. The majority are small farmers who produce food crops, but also some cash crops (mainly cocoa, coffee and cotton). A number of large-scale farmers and agribusinesses produce crops on an industrial scale, some of which are for export (bananas, sugar, rubber, tea, palm oil). Cameroon is able to produce a wide range of crops because of the diverse agro-climatic conditions in the country. It serves as a hub for trade with neighbouring countries.

27. In the 2009 Growth and Employment Strategy Document, the objective established for Cameroon is that of increasing agricultural output and the amount of land under cultivation by 30 per cent over 2005 levels. The strategy has two main elements. The first consists in promoting the development of large-scale farming, notably by attracting foreign investors. The second includes a large number of initiatives and programmes (64 in total, according to the information received) to modernize the family farming model by encouraging farmers to join cooperatives or community groups and by facilitating access to agricultural inputs.

28. The Special Rapporteur commends the Government on the commitment it has made to providing better support to small producers, many of whom are food insecure for at least part of the year and thus rightly deserve to receive special attention. He wishes to make the observations set out below.

29. *Targeting.* The Government wishes both to encourage large-scale agricultural farming and to support the majority of small-scale farmers. In order to maintain a balanced allocation of available budgetary resources to these two groups, information should be provided in the Strategy Document to clarify the key criteria for allocating Government

resources (particularly land and budgetary resources, including subsidies and subsidized loans) to different categories of producers (small producers, large businesses and agrifood companies).

30. *Credit.* The Special Rapporteur encourages the Government to ensure that the lines of credit provided by the future agricultural bank are accessible to small farmers, livestock farmers and fishermen. He welcomes the plans to create special service areas for these groups, as has been done in other countries, notably Brazil. He welcomes measures to support citizens' initiatives to gain access to credit in rural areas, having seen a number of examples for himself in villages close to Maroua.¹⁴

31. *Access to inputs, mechanization, and agricultural development model.* Under the current strategy, priority is given to providing subsidized access to inputs (seeds, fertilizers and phytosanitary products) and effecting a rapid transition from manual to motorized agriculture. This process involves, in particular, the distribution, with the support of FAO, of improved seeds, the construction of a tractor factory and a project to construct a synthetic fertilizer factory. There is no doubt that the distribution of crop varieties that are suited to the needs of small producers is important and that increasing the amount of fertilizer used in Cameroon — which is currently very small — may increase yields from depleted soil. However, the International Assessment of Agricultural Science and Technology for Development, conducted by more than 400 experts between 2004 and 2008, and the previous contributions of the Special Rapporteur (A/HRC/16/49) highlight the potential of agroecology in developing a system of productive, small-scale agriculture that creates employment and is less dependent on external inputs whose costs are set to rise over the coming years.

32. Agroecological techniques could provide an interesting alternative for the northern regions. For instance, fertilizer/fodder trees such as *acacia senegal* provide a structural solution to the problem of soil fertilization, supplement mineral fertilizers and have the added advantage of producing fodder and also gum arabic for a sector that creates jobs. The State could make an effective investment by installing anti-erosion strips and microdams, which modify the structure of production by maximizing fodder yields and helping to improve rainwater collection.

33. *Advice for producers.* The Special Rapporteur welcomes the recruitment of 2,000 agricultural advisers over the last two years. He encourages the Ministry of Agriculture and Rural Development to create the conditions for the establishment of a genuine partnership between the decentralized bodies where these advisers are based, the organizations representing small farmers, and the researchers of the Institute of Agricultural Research for Development. It would also be desirable to appoint a number of women agricultural advisers, consistent with the number of farmers who are women, as this would help to improve access to knowledge for women and ensure that their specific constraints are taken into account.

34. *Marketing and rural development.* The Special Rapporteur welcomes the political commitment made to improving production processes and ending the isolation of regions where road and rail infrastructure is lacking or dilapidated. In his view, the village granaries of the World Food Programme (WFP) and the Network Fighting Hunger in Cameroon (RELUFA) deserve to be supported and developed on a larger scale. While their primary aim is to protect villages from the effects of a lean period, these structures can represent the

¹⁴ Notably the Village Associations for Savings and Credit (AVEC) set up by the Association for the Promotion of Livestock Farming in the Sahel and Savannah (APESS).

first step in the creation of production chains which enable small producers to store and then sell on their surplus on more favourable terms.

B. Accessibility

Physical and economic accessibility of food

35. Following the troubles of 2008 caused by the increase in the cost of living, particularly in the price of basic foods, Cameroon adopted a series of measures to facilitate access to affordable food. Public sector pay increases were introduced.¹⁵ Customs duties and other taxes on imports of rice, wheat, frozen fish and wheat flour were suspended,¹⁶ and price regulation agreements were concluded between the Government and members of the distribution chain, with the result that the price of these basic foods fell by between 6 and 15 per cent.

36. Other measures were taken above and beyond those introduced to deal with the emergency. Firstly, mobile sales of discounted goods and the periodic holding of markets were encouraged to allow wholesalers or producers to sell directly to consumers and to obviate the risk of speculation by retailers catering to communities that are relatively far from the main distribution circuits. Special shops, known as “magasins-témoins”, were set up to sell rice and other basic foods at below market prices. The Consumer Product Supply Regulatory Authority (MIRAP) was set up to monitor prices and build up buffer stocks to counter price volatility.

37. The Special Rapporteur welcomes the adoption of these measures, which improve access to affordable food. He attaches particular importance to initiatives to open up certain regions that currently lack road and rail infrastructure so as to improve both access to markets for producers and access to food for consumers.

38. However, additional progress could be made in a number of areas. Firstly, the poorest households would benefit if the “magasins-témoins” system were to be extended to include rural areas, and support would be provided to local producers if local products, such as cassava, millet and maize, were included among the foods offered at regulated prices by these outlets.

39. Secondly, in accordance with articles 9 and 11 of the International Covenant on Economic, Social and Cultural Rights, extending social protection to the entire Cameroonian population should be made a Government priority. With the adoption of the Social Protection Floor Initiative in April 2009, the United Nations System Chief Executives Board for Coordination identified the need to tackle the food and economic crisis as a priority; this issue is also addressed in Recommendation 202 (2012) of the International Labour Conference.

40. Today, the vast majority of workers in Cameroon are employed in the informal economy and do not benefit from any form of social protection. Similarly, those who are not economically active or who are excluded from the labour market are not covered. The International Labour Organization has calculated that the establishment of a social protection floor in Cameroon (providing the entire population with access to an old-age pension, sickness and disability insurance, a family allowance to offset some of the costs of children’s education and health insurance, and providing unemployment insurance for the

¹⁵ Decrees No. 2008/009 and No. 2008/100 of 7 March 2008.

¹⁶ Order No. 2008/002 of 7 March 2008.

entire labour force) would cost less than 6 per cent of Gross Domestic Product.¹⁷ Such an investment in the realization of the right to social security would be affordable, if fiscal reforms were introduced (to improve the efficiency of tax collection and the progressive taxation system), together with measures to scale up gradually the proportion of Government funds allocated to social spending, particularly for the poorest households.

41. Thirdly, to improve access by the Cameroonian population to affordable food, measures must be taken to reduce the retail price of basic products, stimulate local production by improving market access for farmers, and boost the purchasing power of the entire population. This requires the adoption of a coordinated approach among all ministerial departments in the framework of a national strategy for the realization of the right to food.

Access to productive resources

42. According to information made available to the Special Rapporteur, Cameroon has concluded agreements on transfers of almost 800,000 hectares of arable land, of which at least 349,400 hectares are intended for oil palm cultivation. Over the past decade, more than 300,000 additional hectares have been transferred in the form of concessions to foreign investors. Recent agreements include the signing of a 99-year lease between the State and SG Sustainable Oils Cameroon (SGSOC), a wholly owned subsidiary of an American company, Herakles Farms. The lease is on 73,086 hectares of land in the south-western region, of which 60,000 hectares will be used for the production of palm oil. According to some estimates, six companies are proposing to develop a further million hectares for palm oil production in the coming years.¹⁸ Like other countries on the continent, Cameroon has become a major target of the land acquisition strategies developed by international investors.

43. Given current rural poverty levels, the proportion of the population employed in agriculture, and the commercial pressure on land resulting from demand among foreign investors, the issue of protecting the right of access to land has assumed particular importance. The Committee on Economic, Social and Cultural Rights recalls that “the obligation to respect existing access to adequate food requires States parties not to take any measures that result in preventing such access”.¹⁹ Currently, the criteria for recognizing private ownership of land are set out in Order No. 74-1 of 6 July 1974, on the establishment of the landownership system, and in one of the implementing laws, namely, Decree No. 76-165 of 27 April 1976, on the conditions for obtaining a land deed. However, this legal framework has a number of shortcomings.

44. Firstly, communities that depend for their living on shifting agriculture or hunting or gathering are not sufficiently protected. Article 14 of Order No. 74-1 provides that unregistered land that is neither State-owned public or private property nor the property of other public bodies is national State property. This land may be ceded by the State, notably in the form of a concession or a lease. However, while, in principle, protection is provided for land that is occupied under the customary tenure system and effectively developed,²⁰ the

¹⁷ K. Pal, et al., *Can low-income countries afford basic social protection? First results of a modelling exercise*. Issues in Social Protection, Discussion Paper 13 (Geneva, International Labour Office), 2005; and *Can low-income countries afford basic social security?* International Labour Office, Social Security Department, 2008.

¹⁸ *Oil Palm Development in Cameroon*, WWF-IRD-CIFOR, April 2012.

¹⁹ E/C.12/1999/5, para. 15.

²⁰ Under the terms of article 15 of Order No. 74-1, this refers to “residential land, (...) cropland, plantations, grazing land and access routes whose occupation is reflected in an obvious human influence on the land and its evident development” occupied or exploited by customary communities

same does not apply to land considered to be “free of any form of effective occupation”, including land used for hunting and gathering by certain groups. This explains why the groups concerned, namely, the Mbororo and the Pygmies, are faced with relentless encroachment on the land on which they depend for their livelihood, in violation of both the Declaration on the Rights of Indigenous Peoples and the right to food.

45. Secondly, the Special Rapporteur has been informed that traditional chiefs sometimes cede land occupied by communities according to customary law without any compensation being given to individual members of the community or the community as a whole.

46. Thirdly, article 12 of Order No. 74-1 and Act No. 85-09 of 4 July 1985, on expropriations carried out in the public interest and compensation arrangements, should, in principle, provide a guarantee that expropriations will not be carried out unless they are “in the public interest” and unless compensation is provided to the occupants. The Special Rapporteur has received reports, however, that land not registered by those who occupy it is sometimes expropriated without compensation being provided. Moreover, according to Order No. 74-2 of 6 July 1974, on State land, the State can grant private investors long leases, of up to 99 years, on land that has been expropriated in the public interest (art. 10, para. 3). This can have the effect of nullifying the requirement that expropriation should only take place in the public interest.

47. Lastly, the conditions under which concessions are granted by different ministries will cause major difficulties in the future. Concessions are granted for agro-industrial plantations and mineral exploration, but there is no register to ensure against duplication of concessions. Thus investors are facing a situation of real legal uncertainty. Cameroon risks being presented, in the coming years, with claims from investors that come to the conclusion that they cannot make a profit from exploration activities because of competing claims to a given piece of land.

48. The Special Rapporteur recommends that a full review be conducted of the land tenure system with a view both to guaranteeing the rights of land users, including indigenous groups, and creating a legal framework to avert the possibility of multiple land disputes in the future. Such a review would ensure that the system is brought into line with the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, endorsed by the Committee on World Food Security on 11 May 2012, and that due account is taken of the principles put forward by the Special Rapporteur to make sure that large-scale investments in agriculture are made with due respect for all human rights, including the right to development (A/HRC/13/33/Add.2). It would also provide an opportunity to hold a transparent and participatory debate on the opportunity costs of granting land to investors that plan to develop agro-industrial plantations, when strengthening small local farmers’ access to land, by means of adequate State support, could do more to improve local food security and reduce rural poverty. In this regard, the Special Rapporteur recalls that smaller plots are generally more productive per hectare and contribute to local food security and rural development, because they are used for a more labour-intensive form of agriculture that combines food and cash crops. He also recalls the possible benefits of combining the development of large-scale agro-industrial plantations with the use of contract farming on village plantations. These formulas afford small producers with land bordering on large plantations better access to markets and the opportunity to receive technical support from buyers (A/66/262). The Special Rapporteur points out that oil palm production is particularly suited to this model.

or individuals.

The situation of agricultural workers

49. The situation of workers employed on large-scale plantations deserves specific mention. In accordance with Decree No. 2005 085 of 29 March 2005 (art. 63), the Labour Inspection and Social Security Service is tasked, inter alia, with verifying compliance with labour legislation and regulations. However, apart from the fact that it is primarily dispatched to settle labour disputes, the Service has limited capacity to inspect large-scale plantations, owing to a number of factors. There are few inspectors (between four and nine per region) and those that are poorly trained to deal with the workplace health and safety issues specific to the agricultural sector. In practice, the Service carries out very few inspections of the country's plantations. Moreover, even when inspections do take place, administrative penalties do not seem to be applied.

50. The Special Rapporteur further points out that, according to the Ministry of Labour and Social Security manual of procedures for different Ministry departments, before a visit can be made to a company a letter specifying the day, date and time of the visit must be sent to the head of the company. Although, by definition, this instruction does not apply to surprise inspections, it can be viewed as undermining the authority given to labour inspectors under article 108.1 (a) of the Labour Code to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection.

51. Cameroon has not ratified the International Labour Organization (ILO) Convention concerning Labour Inspection in Agriculture (No. 129), article 16 (a) of which provides that labour inspectors in agriculture shall be empowered "to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection". The Special Rapporteur urges Cameroon to ratify this instrument as soon as possible and to comply with its provisions in order to ensure that the reputation of agro-industrial companies operating in the country is better protected.

C. Sustainability

52. The forests are an important source of revenue and food, particularly for the poorest rural households that harness non-timber forest products such as medicinal plants, fruit and game.

53. However, degradation and commercial exploitation are putting increasing pressure on these resources. Deforestation has accelerated over the past 10 years: the gross deforestation rate was estimated at 0.17 per cent in 2000–2005, as compared with 0.10 per cent for 1990–2000; and, while the net deforestation rate is falling (0.03 per cent per year for 2000–2005), the net degradation rate is rising (0.07 per cent per year for 2000–2005).²¹

54. Cameroon has 22.5 million hectares of forest, making up 48 per cent of the national territory. A total of 27.5 per cent of forests are degraded, and arable land reserves are shrinking.²² Coastal regions and the Sahelian regions in the North are particularly hard hit by climate change. The Special Rapporteur encourages the Government to step up its efforts to address these challenges by, for example, implementing the National Desertification Control Plan and the measures envisaged in the Growth and Employment Strategy 2010–2020 to regenerate forests, protect soil fertility and protect grazing land.

²¹ Observatory for the Forests of Central Africa (OFAC), *The Forests of the Congo Basin – State of the Forest*, 2010. Eds.: C. de Wasseige, P. de Marcken, N. Bayol, F. Hiol Hiol and Ph. Mayaux, B. Desclée, R. Nasi, A. Billand, P. Defourny and R. Eba'a Atyi – 2012, p. 33.

²² African Development Bank/African Development Fund (2009), Country strategy paper 2010–2014, Cameroon, p. 7.

V. Using the “maximum available resources”

55. According to article 2, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, every State should take steps towards the progressive realization of the right to food “to the maximum of its available resources”. Cameroon has abundant natural resources, including minerals (gold, diamonds, bauxite, copper, tin, and uranium), oil, fisheries, fertile agricultural land in accessible locations, and a large forested area rich in high-value species.

56. The following data illustrate the importance for Cameroon of exploiting its natural resources. In 2008, oil exploitation accounted for 38 per cent of the national budget.²³ In 2011, the national oil and gas company, Société nationale des hydrocarbures (SNH), paid 572 billion CFA francs (CFAF) to the Treasury (872 million euros (€)).²⁴ In 2008, the annual forest tax on 6 million hectares of land (forest management units and timber sales) brought in CFAF 12.8 billion (€19.5 million)²⁵ for the State, accounting for 36 per cent of taxes from forestry activities (estimated at CFAF 35.5 billion or €541 million). Lastly, it is estimated that the Chad-Cameroon pipeline generated 118 million United States dollars (US\$) in transit rights (US\$ 0.41 per barrel)²⁶ between 2003 and 2008. Figures on revenue from mining earned by the Programme to Secure Mining, Water and Energy Revenues (PSRMEE) have not been published, and some estimates — CFAF 675,076,301 (€1 million) in 2010 — are not necessarily reliable. The revenue from fishing licence fees and agricultural concessions is also difficult to verify.

57. Among other things, Cameroon has set up the first official system for the distribution of forestry revenue to local communities. In 1998, following the adoption of Act No. 94-01 of 20 January 1994, on forests, wildlife and fishing, an order was issued providing for the payment of 50 per cent of royalties to the Treasury, 40 per cent to municipal councils and 10 per cent to village committees that manage forest royalties. In the interests of fairness, under Act No. 2009/019 of 15 December 2009, on local tax systems, a share of revenue can now be allocated to non-forest communities. Under this new system of equalization payments, 50 per cent goes to the Treasury, 20 per cent to FEICOM — the community mutual assistance fund — 20 per cent to municipal councils and 10 per cent to local committees. According to a publication issued by the Programme for Securing Property Tax Revenue and the Community Forest Technical Centre, a total of CFAF 63,729 billion was redistributed to local communities between 2000 and 2011.

58. This redistribution mechanism is to be welcomed, even though the impact on development has been modest or marginal to date²⁷ and even though the contribution that harvesting of forests, and other natural resources, makes to poverty reduction and food security is still too small.

²³ V. Nodem, J.N. Bamenjo and B. Schwartz, *Subnational Natural Resource Revenue Management in Cameroon: Forest and Mining Royalties in Yokadouma, East Cameroon*, RELUFA, May 2012, p. 8.

²⁴ Statistiques de la Société nationale des hydrocarbures (2004–2012), disponible à l’adresse suivante: <http://www.snh.cm>.

²⁵ P.O. Cerutti et al., “The challenges of redistributing forest-related monetary benefits to local governments: a decade of logging area fees in Cameroon”, *International Forestry Review*, vol. 12 (2), 2010, p. 132. Other taxes have to be added to this sum, but the annual forest tax is the largest contributor to the national forest exploitation budget.

²⁶ International Advisory Group, *Chad-Cameroon Petroleum Development and Pipeline Project, Final Report*, September 2009, p. 20. This sum is not converted into other currencies given the fluctuations in the dollar exchange rate during this period.

²⁷ See Cerutti et al., 2010, op. cit., p. 131.

59. Steps have been taken to improve this state of affairs so that the population can profit from the country's natural resources in accordance with the requirements of the right to development. A joint order issued on 26 June 2012 fills a gap in the system that was first introduced in 1994 by providing for the establishment of an additional mechanism to monitor allocated funds, verify how they are being used and help to shape decisions on how this revenue should be spent. The Special Rapporteur encourages Cameroon to continue on this path by: (a) guaranteeing the transparency of transfers, for example by requiring councils and local committees to publish figures on the royalties paid to villages, informing citizens in radio broadcasts about how the money has been used and publishing a list of expenditures at the end of the budget year; (b) building the capacities of local communities, especially women and indigenous communities, to participate in taking decisions about the use of tax revenue; (c) encouraging investment of this revenue; and (d) strengthening monitoring, appeals and sanctions mechanisms. The Special Rapporteur also encourages the Government to issue a joint ministerial order for the mining sector, equivalent to the one issued in 2012 on the distribution of forest revenue in which the modalities for allocating royalties to local communities are defined in line with the decree of 2002 on the implementation of the 2001 Mining Code.

60. The strikingly low rate of tax on agricultural concessions is difficult to ignore. By way of illustration, SG Sustainable Oils Cameroon (SGSOC, a wholly owned subsidiary of Herakles) was given a 99-year lease on 73,086 hectares of land in exchange for paying an annual fee of US\$ 1 per hectare (for developed land) and US\$ 0.50 per hectare for undeveloped land. The 50-year lease granted to the HEVECAM company on 7 January 1997 for an area of 40,000 hectares amounts to CFAF 150 million (subject to review every 15 years by agreement between the parties). The 99-year lease granted to SOSUCAM on 20 April 2006 on an area of 11,980 hectares is worth CFAF 77,354,860 (subject to review every five years), and the lease granted to SOCAPALM on 12 July 2000 for an area of 78,529 hectares is worth CFAF 392,645,000 (subject to review every 15 years by agreement between the parties). According to a guide that the Ministry for Property and Land Affairs prepared for users of the land tenure system, the annual fee payable on land concessions is one CFA franc per square metre.

61. As for forest concessions, with the competition generated by the introduction of a public tendering system for awarding logging rights, payments from companies wishing to gain the access to forests (forest royalties, in particular) have increased from a baseline of US\$ 0.6 per hectare per year in 1990 (set by the authorities). Average payments were US\$ 5.6 per hectare per year for forest management units in 2006, and US\$ 13.7 per hectare for timber sales in 2005.²⁸

62. The Special Rapporteur recognizes that it is a complex task to optimize the taxation of natural resources, particularly those in the forests of the Congo Basin. There is a high level of information asymmetry between the Government authorities and the forestry industry. It is not easy to estimate the value of the numerous species, of differing quality and types, that are traded within vertically integrated companies, nor is it easy to predict how companies will adapt to new measures.²⁹ Lastly, the annual forest royalty fee on the basis of which competitive tenders are awarded is only one part, albeit the largest part, of the forest tax, which also includes a slaughter tax, exit rights for timber, the export surcharge on timber, and the sawmill entry tax.

²⁸ G. Topa, A. Karsenty, C. Megev and L. Debroux, *Forêts tropicales humides du Cameroun, Une décennie de réformes (Tropical rainforests of Cameroon, A decade of reforms)*, World Bank and PROFOR, Washington, 2010, p. 232.

²⁹ A. Karsenty, "Forest taxation regime for tropical forests: lessons from Central Africa", *International Forestry Review*, Vol. 12 (2), 2010, p. 122.

63. The Special Rapporteur notes the important initiatives that Cameroon has taken in this area, notably with regard to zoning, improved transparency, regulation of the process for awarding forest exploitation rights, as well as the efforts made to combat corruption – which remains a major challenge. He also notes the beneficial effects of the tendering system on the amounts that companies are willing to pay to gain access to forests.³⁰ However, he encourages the Government to continue to improve its policy on taxation of agricultural and forest concessions in order to optimize revenue from natural resources and ensure both that it matches the value of the resources being harnessed and that the resources are being sustainably managed. Cameroon has a set of agro-climatic conditions that are unique in Central Africa in terms of their suitability for oil palm cultivation, while the proximity of Douala port means that it costs less to harness forest resources than in other Central African countries where high transportation costs have a dampening effect on profits. Given these conditions, the Special Rapporteur finds it difficult to understand why Cameroon does not try to take full advantage of the exploitation of resources whose value-added is taken by foreign groups which then expatriate their profits and engage in tax engineering and/or tax evasion, to minimize their tax burden, inter alia, by manipulating the prices of transfers to subsidiaries based in tax havens.

64. The Special Rapporteur notes that some stakeholders, notably the International Monetary Fund, recommend that Cameroon lower its taxes on the exploitation of natural resources, including forest resources. He disagrees entirely with this recommendation. Apart from the “race to the bottom” that this would trigger in the other countries of the Congo Basin, and the resulting loss of revenue for the State, there is no need to lower taxes in order to attract the main forestry companies (companies like Wijmar and Rougier operate in the country despite the current level of taxation). Such a measure would serve not only to attract companies that are less technically qualified and less concerned about the sustainable exploitation of the forests and respect for the rights of local communities, but also to accelerate the deforestation of tropical forests, which are slow to regenerate, and this when the true value of forests is better understood. In fact, most countries of the Congo Basin have raised forest taxes considerably over the past decade.³¹ The World Bank estimates that the tax rate has stabilized at an average of 19 per cent of company turnover.³²

65. In this connection, the Special Rapporteur encourages Cameroon to learn from the experience with the Chad-Cameroon pipeline. Cameroon failed in its bid to have modifications made to the initial contract, the conditions of which (negotiated on the basis of the low price per barrel at the time) are extremely disadvantageous to Cameroon, with transit costs of only US\$ 0.41 per barrel. The fact that the leases on agricultural concessions allow for the renegotiation of the annual royalty only every 15 years “by agreement between the parties” renders the clause a virtual dead letter.

66. Lastly, the Special Rapporteur notes that the Government is willing to take advantage of the opportunities presented by the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD), which offers compensation for forest conservation. He encourages the Government to explore the possibilities for funding forest conservation activities, and

³⁰ See in particular: Observatory for the Forests of Central Africa (OFAC), *The Forests of the Congo Basin – State of the Forest*, 2010, p. 274.

³¹ COMIFAC, *Étude sur l'évaluation de la contribution des redevances forestières dans le développement socioéconomique des populations d'Afrique centrale (Study on the evaluation of the contribution of forest taxes to the socioeconomic development of the populations of Central Africa)*, Sub-regional summary report, Study presented at the 6th ordinary session of the COMIFAC Council of Ministers, Kinshasa, 8 November 2010.

³² G. Topa, A. Karsenty, C. Megev and L. Debroux, 2010, op. cit., p. 77.

stresses the importance, in the implementation of the mechanism, of providing guarantees for indigenous populations that depend on the forests in accordance with articles 25 to 27 of the Declaration on the Rights of Indigenous Peoples.

67. By taking the above-mentioned measures, Cameroon could speed up the country's poverty eradication and socioeconomic development process. In particular, Cameroon would be in a position to exploit its natural resources more sustainably, reducing the negative impact on the local population.

VI. Towards a national strategy on the right to food

68. Cameroon has recently adopted a range of measures to improve food availability and affordability for the population; it is also taking steps to revive the agricultural sector. A number of challenges in the area of governance still need to be addressed, however. The responsibilities do not lie with one ministerial department alone. In addition to intervention by the Ministry for Agricultural and Rural Development, action by the Ministry of Trade is needed to organize distribution, by the Ministry of Labour and Social Services to ensure decent working conditions in plantations, by the Ministry of Social Affairs to protect vulnerable groups, and by the Ministry for the Advancement of Women to promote gender equality. There is a need for improved coordination between the different departments, whose efforts must complement and support each other.

69. There is also a need to strengthen the dialogue with civil society and producers' organizations. The establishment of a platform for focused and ongoing dialogue will open the way for the adoption of more informed policies that take account of the views of beneficiaries and will boost the legitimacy and effectiveness of the work done by the Government in this domain. The creation of a national framework for consultations with representatives of producers' organizations is a step in this direction.

70. Cameroon should take measures to guarantee food security in the short term by, *inter alia*, doing more to ensure the affordability of basic foodstuffs for vulnerable groups, and it should prepare for the long term by laying plans to expand social welfare coverage and revive subsistence agriculture, thus making the country less dependent on fluctuations in international market prices. Multi-year and multi-sectoral strategies are needed to manage the situation in the short-term while the preparations are being made for the transition over the long term.

71. Lastly, the deadlines for the adoption of measures, the responsibilities of the different actors involved and the remedies available to beneficiaries in the event that commitments are not honoured need to be defined more precisely. In this way, it will be possible to turn political pronouncements concerning the importance of food security into recognition of the right to food, even if a gradual approach to achieving the latter is required.

72. A framework law on the right to food would provide the legislative and institutional structure required to move forward along this path. It would mainly define: the modalities for adopting a national strategy on the right to food, with the participation of civil society and those involved in the food production sector; the procedures for measuring progress; the resources to be allocated to the strategy and ways and means of ensuring transparency in the utilization of these resources; and the penalties for failing to act in accordance with the strategy. The Special Rapporteur was informed about initiatives being taken to establish a framework law on agriculture, the draft text of which is being discussed by the Ministry of Agriculture and Rural Development. If Cameroon were to adopt a framework law on the right to food that included, among other things, elements of a framework law on agriculture, it would be joining the ranks of countries like Mali in West Africa and others in southern

and eastern Africa that are already moving in this direction. The Special Rapporteur stands ready to work with the authorities to take this process forward.

VII. Recommendations

73. The Special Rapporteur recommends that the Government should:

(a) Establish a framework-law on the right to food that includes, inter alia, elements of a framework law on agriculture, with a view to creating a legislative and institutional framework to foster the gradual realization of the right to food; improve coordination between different governmental departments (the Ministry of Agricultural and Rural Development, the Ministry of Trade, the Ministry of Labour and Social Services, the Ministry of Social Affairs and the Ministry for the Advancement of Women); strengthen dialogue with civil society and producers' organizations on the formulation of food security policies; define more precisely the time limits for the adoption of measures, the responsibilities of different actors and the remedies open to beneficiaries in the event that commitments are not honoured;

(b) Adopt measures to improve the situation of marginalized and vulnerable groups in respect to food, and, in particular:

- Ensure that the definition of indigenous peoples set out in the United Nations Declaration on the Rights of Indigenous Peoples is incorporated into the laws of Cameroon;
- Ensure that the views of communities are taken into account in decisions concerning the concessions of the land on which they depend for their livelihood;
- Improve, with immediate effect, the food provided to prisoners;

(c) Meet the Government target, as set out in the Strategy Document for Growth and Employment, of increasing budgetary allocations for agriculture, by clarifying how public resources are to be allocated to different categories of producers (small producers, large businesses and agrifood companies);

(d) Invest in programmes, practices and policies to scale up agroecological approaches, as recommended by the Human Rights Council in resolution 16/27;

(e) Develop a programme to introduce structural improvements in the northern region, which is vulnerable to climate change, by, inter alia: formulating an ambitious policy on the creation of village grain stores; establishing large-scale programmes to plant fodder/fertilizer trees; and supporting measures, such as the installation of anti-erosion strips and micro-dams, to maximize both fodder production and rainwater collection;

(f) Stimulate local production by improving access to markets for farmers who belong to producers' organizations; pursue efforts to end the isolation of certain remote regions; promote the development of "magasins-témoins" in rural areas and, with a view to supporting local producers, ensure that local produce such as cassava, millet and maize is included among the price-controlled foods on offer at these outlets;

(g) Implement the advertised redeployment of agricultural outreach services provided by the Ministry of Agriculture and Rural Development advisers and involve more women in the delivery of the services; and create the right conditions for a genuine partnership between the advisers, farmers' organizations and IRAD researchers, whose research deserves to be disseminated more widely;

(h) Review the tenure systems with a view to the implementation, in the context of national food security, of voluntary guidelines on responsible governance of tenure

systems as they apply to land, fisheries and forests. In this process, take due account of the minimum principles and measures proposed to ensure that large-scale investments are made with due respect for all human rights (A/HRC/13/33/Add.2), so that the rights of land users, including indigenous communities, are better protected and a legal framework is established to avert the possibility of multiple land disputes in the future;

(i) In the framework of the review recommended above, hold a transparent and participatory dialogue on the opportunity costs of ceding land to investors intending to develop agro-industrial plantations, when providing local small farmers with improved access to land, through adequate State support, could be more effective in supporting local food security and reducing poverty;

(j) Adopt specific measures to extend social welfare coverage to the entire population through a combination of tax reforms (including a more rigorous system of progressive taxation) and the gradual upscaling of budgetary allocations for social welfare provision;

(k) Build the capacity of the Labour Inspection Service to carry out its mandate in large plantations and empower it to conduct surprise inspections;

(l) Reconsider the tax policy on concessions of agricultural land and on the exploitation of natural resources (particularly forests and minerals) so as to optimize the revenue earned from the harnessing of these resources and to improve food security for vulnerable groups;

(m) Ensure that defenders of the right to food are protected.

74. The Special Rapporteur recommends that international agencies and development partners provide adequate assistance in humanitarian crises and take a proactive approach, intervening before crises occur.

75. The Special Rapporteur recommends that the countries of origin of foreigners that invest in the agro-industry sector in Cameroon abide by the above-mentioned minimum principles (A/HRC/13/33/Add.2). He recommends that investors in the agro-industry, forestry and extractive industry sectors provide local communities with all relevant information so that these communities can contribute to the implementation of the procedures provided for in domestic law to give effect to the United Nations Convention against Corruption.
