

Observations on the State of Indigenous Human Rights in Cameroon

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Cultural Survival is an international Indigenous rights organization with a global Indigenous leadership and consultative status with ECOSOC since 2005. Cultural Survival is located in Cambridge, Massachusetts, and is registered as a 501(c)(3) non-profit organization in the United States. Cultural Survival monitors the protection of Indigenous Peoples' rights in countries throughout the world and publishes its findings in its magazine, the *Cultural Survival Quarterly*, and on its website: www.cs.org.

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I. Executive Issue Summary

Cameroon has two major Indigenous groups, the Pygmies and Mbororo, and several other communities whose rights are being largely disregarded. Although Cameroon is attempting to promote Indigenous Peoples by celebrating International Day of the World's Indigenous Peoples and it has created an inter-ministerial platform to monitor and follow-up on projects for the benefit of Indigenous Peoples, more needs to be done to address the issues Indigenous Peoples face 10 years after Cameroon signed onto the UN Declaration on the Rights of Indigenous Peoples (2007).

II. Background Information

“These peoples [the “Pygmies” and pastoralist peoples] still suffer discrimination experienced through the dispossession of their land and destruction of their livelihoods, cultures and identities, extreme poverty, lack of access to and participation in political decision-making and lack of access to education and health facilities.”¹

Cameroon has a population of over 22 million people. A significant portion of the population self-identifies as Indigenous, and these people can be broken up into three main communities: the Pygmies, who are largely hunter-gatherers; the Mbororo pastoralists; and the Kirdi mountain communities. The term “Pygmy” is a controversial one - it has been used in a derogatory way to refer to Indigenous communities. However, it is the only umbrella term to describe this group of people, and thus is commonly used in literature and reporting about Indigenous communities in this region. The “Pygmies” make up approximately 0.4% of the total population and can be further divided into 3 groups: the Bagyeli/Bakola (approx. 4,000 people) who live in the Bipindi, Kribi, Lolodorf, and Akom II districts; the Baka (approx. 40,000 people) who live in eastern and southern Cameroon; and the Bedzan (approx. 300 people) who live in central Cameroon. The Mbororo make up approximately 12% of the total population. There are also three main groups of Mbororo: the Wodaabe, who live in the north; the Jafun, who live in the east, west, and north-west; and the Galegi, who live in the east, west, and north-west. The population of the Kirdi mountain community is unknown. They live in the Mandara Mountain Range in northern Cameroon.

III. Recommendations from previous cycles related to Indigenous Peoples

A. 1st Cycle

- *Respect international provisions in the area of the protection of minorities and vulnerable groups, particularly Pygmies and Mbororo – (France) - Rejected*
- *Reinforce measures to resolve the situation of Indigenous Peoples, in accordance with international standards, particularly for the Mbororo, Fulani and Pygmy peoples to have ownership of their traditional lands – (Mexico) - Accepted*
- *Reinforce measures to compensate and resettle Indigenous communities forcibly removed from their land – (South Africa) - Accepted*

- *Continue its efforts to strengthen the health sector, paying particular attention to access to health services for children and Indigenous Peoples – (Philippines) - Accepted*
- *Put in place a special law that will take into consideration the land rights of the pygmy communities – Holy See - Rejected*
- *Ratify the Convention No. 169 of the ILO concerning Indigenous and tribal peoples in independent countries - Mexico - Not implemented.*
- *Continue the process of ratifying international human rights instruments, which have been signed, as well as those that the country is not yet a party to - Côte d'Ivoire -- Accepted*
- *Issue a standing invitation to all mandate holders and allow a visit by the Special Rapporteurs on Freedom of Opinion and Expression and on Human Rights Defenders - Hungary - Accepted*
- *Continue its efforts to amend or repeal all discriminatory legislation, including discrimination regarding land ownership and to ensure the compatibility between customary law and statutory law - Bulgaria - Accepted*
- *Apply a strategy of universal registration of births and launch universal birth registration - Republic of Moldova and Sierra Leone - Accepted*
- *Continue to investigate acts of threats and aggression against human rights defenders and journalists and bring to justice those perpetrators - Spain - Accepted*
- *Provide active and immediate protection for all human rights defenders - United Kingdom of Great Britain and Northern Ireland - Accepted*
- *Make every effort to fully investigate all threats and attacks against human rights defenders and journalists and bring the perpetrators to justice - Czech Republic - Accepted*
- *Continue taking efforts for the promotion and protection of the rights of children and other vulnerable groups of the society - Armenia - Accepted*
- *Abide by its UPR engagements made in 2009 by fully respecting and protecting the rights and freedoms of Human Rights Defenders and journalists and that no fines or prison sentences are imposed on persons for expressing political views or opposition to the current government - Hungary - Rejected*
- *Ensure a favourable climate for the activities of journalists, human rights defenders and other actors of civil society - Tunisia - Rejected*
- *Ensure freedom of expression and the press by decriminalizing all press offenses and prosecuting all perpetrators of threats and attacks against human rights defenders and journalists – (France) - Rejected*

B. 2nd Cycle

- *Continue its policy aimed at the social integration of vulnerable groups such as Pygmies and Mbororo – (Burundi) - Accepted*

- *Strengthen measures to promote the rights of Indigenous populations of the country, particularly, with respect to their access to the citizenship, land, justice and education – (Cape Verde) - Accepted.*
- *Carry on with ensuring the access to health services for children and Indigenous people – (Egypt) - Accepted.*

The accepted recommendations have not been adequately implemented.

IV. Ongoing Rights Violations

A. Lack of recognition of Indigenous Peoples

The lack of adequate recognition of Indigenous Peoples by the Cameroonian government poses a substantial barrier to the full enjoyment of their rights. The Constitution of Cameroon recognizes the term “Indigenous” but it does not clearly define to whom that refers. Cameroon’s 5 year plan for the protection of human rights, active from 2015-2019, does not specifically reference Indigenous Peoples. Work that does include Indigenous Peoples often perpetuates stereotypes. For example, the second piece of a study to identify Indigenous Peoples in Cameroon was instituted in 2015 but it did not recognize or consult with the Mbororo people because they are more educated and economically well-off relative to other Indigenous groups. However, Indigenous Peoples are categorized as such based upon self-determination.

In 2015, Cameroon celebrated the International Day of the World’s Indigenous People, involving both the Ministry of Social Affairs and the Ministry of Public Health. This was a positive step toward recognizing and celebrating Indigenous People in Cameroon. However, during the celebration the Foundation for Development and Environment in Cameroon (FDEC) and the Ministry of Social Affairs (MSA) forged an agreement regarding uses of some of the Baka forests without consulting the Baka. This violates the principle of Free, Prior, and Informed Consent (FPIC) and occurred on a day dedicated to the respect and promotion of Indigenous rights.²

So-called “Pygmy” groups in particular are not always recognized under international law. Both “Pygmies” and the Mbororo are considered “marginal populations” under Cameroonian law. The definition of “Indigenous” varies across Africa, and even across Cameroon, but the principle of self-identification renders this an inadequate excuse.³ Several elements can aid in the identification of Indigenous Peoples, including connection to land, historical origins, and the existence of distinct economic, political, social and cultural institutions. However, the ultimate deciding factor rests on an Indigenous community’s desire to self-identify.⁴ In its State Report submitted for the Convention on the Rights of the Child this year, the government of Cameroon itself reported an “absence of an institutional definition of the concept of Indigenous Peoples,”⁵ which they noted as a barrier to implementing programs for Indigenous children.

B. Land Rights Violations

On September 12, 2017 Indigenous groups signed a declaration calling for respect and recognition of their land rights.⁶ In the document, the 50 Indigenous Baka and Bagyeli

communities noted “We, forest Indigenous Peoples, have increasingly experienced serious violations of our human rights, because of activities such as agro-industries, mining, forestry concessions, and because of the creation of protected areas on our ancestral lands. This disturbing situation foreshadows a future where we as Indigenous Peoples will no longer have land. If we continue to lose our lands and forests, the very survival of our cultures and peoples is at risk.”⁷

1. Forced Eviction as a Result of Conservationism

The Baka, Bakola, Bagyeli, and Bedzang’s survival is closely tied to the forest but their right to land has not been recognized by law. In 2014, the Ngoyla-Mintom nature reserve was created within a forest traditionally maintained and occupied by the Baka. The Baka were then banned from entering the reserve or were forcibly removed. Suzanne Ndjele, a member of the Baka from the village of Assoumindelé in south Cameroon, said she no longer has access to the forest they depend on for food and medicine. Ndjele used to work in the forest, hunting and gathering food and other resources with women from her community. But for the past four years she has not been able to enter it. “Eco-guards came and told us ‘nobody can go into the forest anymore.’ If we continued to enter the forest we were threatened. I went in and was beaten,” she said.⁸ Eco-Guards are people employed by the government of Cameroon and funded and supported, in part, by the World Wildlife Fund, to protect the Cameroonian forests from poaching. Under this mandate, they have been attempting to dissuade Baka, Bakola, Bagyeli, and Bedzan Indigenous communities from poaching. However, they do this through intimidation, brutality, torture, and arbitrary punishment.⁹ The Organization for Economic Cooperation is currently investigating claims against the World Wildlife Fund for human rights violations committed by Eco-Guards. The Eco-Guards have allegedly destroyed the homes, camps, and personal property of the Baka people and have threatened individuals with violence. Furthermore, the World Wildlife Fund has established protected forested areas with no regard for the Baka peoples’ ancestral claims to land. One Baka man told Survival International that the Eco-Guards had beaten people in his community with machetes, including children and old women.¹⁰ Mike Hurren, a campaigner for Survival International said, “Now the Baka are being illegally evicted in these areas and criminalized when they hunt. When they’re found hunting, they risk being harassed, intimidated, beaten up, even tortured, or perhaps even killed by anti-poaching squads, who are also funded by the WWF.”¹¹ In return, a spokesman for the WWF acknowledged that there have been “some verified instances of abuses” by Eco-Guards against Indigenous Peoples, though he claimed not to have seen this particular complaint.¹² This occurs despite Cameroon’s responsibilities to sustainable use as party to article 10 of the Convention on Biological Diversity. An attempt by WWF to establish “community forestry” did not do so with the Free, Prior and Informed Consent of the Baka.¹³

2. Extractive Industry

The extractive industry in Cameroon plays an important role in economy. A quarter of the economy generates revenue from oil exports and production.¹⁴ The impact of the extractive industries has been dire: a study in 2012 by IWGIA has shown that the country has lost as much as 10% of its forest to land grabbing causing irreparable damage.¹⁵ Between 1996-1999, 76% of total area of the country’s forest was being used or was planned to be used for logging.¹⁶ Even though efforts have been made to conserve the forests (REDD) and protect Indigenous Peoples,

studies have shown that the effect of these efforts has been to further marginalize Indigenous Peoples and put pressure on Indigenous Peoples by placing restrictions on them.¹⁷ Although Cameroon's extractive industries are mostly off-shore, the Chad-Cameroon pipeline, inland impacts Indigenous Peoples due systemic violation of Free, Prior and Informed Consent, forced displacement, destruction of cultural sites, increasing inequalities between Indigenous Peoples and other ethnic groups. Meetings with Indigenous Peoples were conducted in French, which many Indigenous People do not speak fluently, if at all. Documents were circulated with no consideration of the Indigenous Peoples' language, culture, or level of education and therefore they were largely incomprehensible. A compensation plan for people whose land was affected by the project was drafted in 2008.¹⁸ However, the plan has still not been implemented, and many Indigenous People were not even considered eligible for the plan because the government does not recognize their ancestral claim to the land.¹⁹ The government has only recognized violations against "Pygmy" populations by blaming these violations on the nomadic lifestyle of the Indigenous community. The Chad-Cameroon Pipeline Project disproportionately affects Indigenous Peoples.

In addition, the newly proposed Mballam iron ore mine, which will use open cast mines to extract iron, is also expected to have a disastrous effect on Indigenous Peoples.²⁰ This project is expected to cross over virgin tropical forest opening the forest to illegal logging, further poaching, and threatening water falls and sanctuaries for gorillas and elephants, etc.²¹ The Baka, Bagyéli and Bedzang's activities are under pressure as a result of the mining and forestry on their ancestral lands.²² The fees collected from these industries are not benefiting these communities as planned and neither are these Indigenous communities fully compensated for their loss of land.²³ The corporate companies have only built public utilities for the villages for the Bantu, while excluding others such as the Baka.²⁴ The Mbororo face the similar difficulties, where grazing lands are expropriated, destroyed and polluted.²⁵

3. Criminalization of Land Defenders by Palm Oil Plantations

Since 2009 the Cameroonian government granted American company Herakles Farms company over 73,000 hectares of land, despite the fact that any amount of land in excess of 50 hectares can only be granted by presidential decree,²⁶ without the Free, Prior, Informed Consent of the communities whose livelihoods depend on the forests that occupied that land. The dispossession of traditional lands used for foraging, subsistence farming, and inheritance directly affects the livelihoods of communities, their food sovereignty. Despite these human rights and environmental concerns, the Government of Cameroon recently renewed the land lease to a now independent subsidiary SG Sustainable Oils for another 3 years without proper consultation of affected communities.²⁷

Meanwhile, environmentalists who are organizing against the palm oil plantations have been targeted and criminalized. Nasako Besingi, Executive Director of Struggle to Economize Future Environment (SEFE), is an internationally renowned human rights defender and an environmental activist in Cameroon. In recent years, he has been arrested, assaulted, and sued in court for helping communities from the southwest region challenge Herakles Farms. In January

2016, he was sentenced by a local court to either pay a fine of 344,400 CFA Francs or serve one year's imprisonment, on charges of "participating in the organization and holding of an undeclared public meeting." The charges were based on allegations made against him by Herakles Farms, following a demonstration, in which Nasako Besingi distributed t-shirts displaying the quote "No plantation on our land. Herakles farms out!" On September 25, 2017, he was arrested in Mundemba, Ndian Division and taken to an unknown location. No information was given to his family and lawyer about the charges against him until days later. At the time of this writing Mr. Besingi is still in jail.²⁸

V. Questions

1. What steps is the government of Cameroon taking to implement the right to Free, Prior and Informed Consent of Indigenous Peoples?

VI. Recommendations

Cultural Survival urges the government of Cameroon to:

1. Ratify ILO Convention No. 169.
2. Adopt domestic laws in harmony with the Universal Declaration of the Rights of Indigenous Peoples.
3. Facilitate the obtaining of land titles for Indigenous Peoples, while ensuring that new land reform should take into account the specific usage (pastoralism, ranchland, and hunting) of Indigenous Peoples.
4. Implement the Declaration on Land Rights from the Gbabandi Platform.
5. Implement the right to Free, Prior and Informed Consent before any land concessions are made.
6. Suspend the land lease allowing SGSOC to develop palm oil until all communities impacted have given their Free, Prior and Informed Consent.
7. Compensate all Indigenous Peoples whose land was compromised by the Chad-Cameroon Petroleum Development and Pipeline Project and any Indigenous Peoples who have been affected by land-grabbing.
8. Ensure Indigenous participation in decision-making at all levels in all matters affecting them, according to their own traditional processes.
9. Involve Indigenous peoples in the co-management of conservation areas.
10. Invite the UN Special Rapporteur on the Rights of Indigenous Peoples to visit Cameroon.
11. Ensure freedom of expression and safety for human rights and environmental defenders
12. Adjust school calendars and curricula to fit the needs of Indigenous Peoples.
13. Take steps to implement the Outcome Document of the World Conference on Indigenous Peoples and create a National Plan of Action

¹ Nnah Ndobe, Samuel. “Experiences of Indigenous Peoples in Africa with Safeguard Policies: Examples from Cameroon and the Congo Basin.” *Chad-Cameroon Pipeline*. Forest Peoples Programme, 29 Apr. 2013. Web. 01 Mar. 2017.

² Ibid.

³ *Indigenous Peoples Rights in Cameroon: Supplementary Report*. African Commission on Human and Peoples’ Rights. May 2010.

⁴ International Labour Office. “Indigenous Peoples in Cameroon: A Guide for Media Professionals.” (n.d.) International Labour Organization, 2015. Web. 01 Mar. 2017.

⁵ *Consideration of reports submitted by States parties under article 44 of the Convention: Cameroon*. Convention on the Rights of the Child. 06 Dec. 2015.

⁶ Reuters. “Cameroon Forest People: Land Rights Abuses Threaten Survival.” VOA, VOA, 13 Sept. 2017, www.voanews.com/a/cameroon-forest-people-say-land-rights-abuses-threaten-survival/4027761.html

⁷ Forest Peoples Program “Declaration on land rights from the Gbabandi Platform, Cameroon” <https://www.forestpeoples.org/en/rights-land-natural-resources/news-article/2017/declaration-land-rights-gbabandi-platform-cameroon> Sept 13, 2017

⁸ Ibid.

⁹ Tucker, Sarah. “Human Rights Violations and Indigenous 4B 2013 UPR Stakeholder Report: Cameroon.” On behalf of the Center for Environment and Development. 2013.

¹⁰ Barkham, Patrick. “Human Rights Abuses Complaint Against WWF to be Examined by OECD.” *The Guardian*. Guardian News & Media, 05 Jan. 2017. Web. 02 Mar. 2017.

¹¹ Smith, Matt. “Human Rights Complaint Fled Against ‘Eco-Guards’ Who Terrorize African Pygmies.” *VICE News*. N.p., 11 Feb. 2016. Web. 08 Mar. 2017.

¹² Ibid.

¹³ “It’s important for the Baka to have a forest space where they can carry out their activities” Forest Peoples Program, <https://www.forestpeoples.org/en/rights-land-natural-resources/news-article/2017/its-important-baka-have-forest-space-where-they-can>, Sept 17, 2017

¹⁴ “Resource-Rich.” Our Africa, (<http://www.our-africa.org/cameroon/economy-industry>).

¹⁵ “Extractive Industries, Land Rights and Indigenous Populations'/Communities' Rights .” Justice Project, justiceprojectdotorg1.files.wordpress.com/2017/07/africa-indig-extractives-2017-eng_finalcompressed.pdf.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ *Indigenous Peoples Rights in Cameroon: Supplementary Report*. African Commission on Human and Peoples’ Rights. May 2010.

¹⁹ Nnah Ndobe, Samuel. “Experiences of Indigenous Peoples in Africa with Safeguard Policies: Examples from Cameroon and the Congo Basin.” *Chad-Cameroon Pipeline*. Forest Peoples Programme, 29 Apr. 2013. Web. 01 Mar. 2017.

²⁰ Ibid.

²¹ Ibid.

²² International Labour Office. “Indigenous Peoples in Cameroon: A Guide for Media Professionals.” (n.d.) International Labour Organization, 2015. Web. 02 Oct. 2017.

²³ Ibid

²⁴ Ibid.

²⁵ “Extractive Industries, Land Rights and Indigenous Populations'/Communities' Rights .” Justice Project, justiceprojectdotorg1.files.wordpress.com/2017/07/africa-indig-extractives-2017-eng_finalcompressed.pdf.

²⁶ Gaworecki, Mike. “Cables Reveal US Gov’t Role in Herakles Farms Land Grab in Cameroon.” *Conversation News*. Mongabay, 30 Aug. 2016. Web. 08 Mar. 2017.

²⁷ “Take Action Cameroon: Palm Oil vs. People and the Planet.” *Cultural Survival*. Cultural Survival, 10 Oct. 2016. Web. 02 Mar. 2017.

²⁸ “Take Action:Free Nasako Besingi” Oakland Institute, <https://www.oaklandinstitute.org/take-action-free-nasako-besingi> Sept 29 2017.