

**Human Rights Violations and Indigenous 4B**

**2013 UPR Stakeholder Report**

**Cameroon**

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On behalf of the Center for Environment and Development (CED)

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Established in 1995, the Centre for Environment and Development (CED) is an NGO working on forest and environment issues by providing support on the ground and monitoring national policies. Among other things, it works to promote and protect the rights of indigenous peoples in Cameroon and the Central African sub-region more generally.

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## Introduction:

1. The Baka, Bakola, Bagyeli, and Bedzang comprise an extremely marginalized indigenous minority group that is known pejoratively as “Pygmy,” but referred to here as the 4B. They live mainly in the forested areas of the East, South, and Center regions of Cameroon. Their main livelihood activities are hunting, fishing, and gathering, in contrast to their non-4B agriculturalist neighbors who are generally referred to as “Bantu.” Neglect and abuse of this population in Cameroon has persisted for decades, despite international pressure and changes on paper in Yaoundé. The 4B face human rights violations in the areas of: land rights, cultural rights access to education, labor rights, and political rights. Following the recommendations herein will help Cameroon embark on a path towards ending generations of injustice towards this population.

## Methodology:

2. The research presented here is derived primarily from participative anthropological conducted in 4B villages in 2011 and 2012. Interviews, focus groups, and surveys were conducted alongside participant observation and engagement with the population, living in their homes and villages for extended periods of time. The data presented here is thus the words of the people themselves. Their testimony was cross-referenced with interviews with Cameroonian government authorities, NGO’s, and non-4B individuals living in villages with, or in proximity to, 4B populations.

## Human Rights Violations by Issue Area

### Land, Ancestral and Cultural Rights

3. The 4B have occupied Cameroon's forested areas for thousands of years. Their culture is inextricably tied to the forest, and many go so far as to say that without the forest, there can be no 4B.<sup>1</sup> For them, the forest is their source of food and medicine, pillar of their identity and spirituality, and their home. Their right to this land, however, is not officially recognized in Cameroonian law.

4. Today, the 4B usually occupy land owned by the Bantu, and are subject to harassment, forced expulsion, and exploitation at the hands of the landowners. Many of these landowners refer to their 4B neighbors as "my Pygmies," and regard them as their personal or family property.<sup>2</sup> This situation violates 4B rights to inhabit and have legal protection of their traditional lands,<sup>3</sup> and their rights to personal freedom, fair labor, and to a home.<sup>4</sup>

5. The 4B are systematically denied their rights to own and use land in Cameroon. Articles 15 and 17 of law no. 74/1 of July 1974 stipulate that land ownership is proven when the land has been demonstrably exploited and/or occupied. Any request for registration of land that is free from exploitation or occupation is inadmissible. The traditional 4B semi-nomadic lifestyle consists of temporary dwellings and subsistence activities that leave no impact, excluding them from land ownership.

6. When mining, logging, and other companies evaluate the effect of their activities on local communities, they follow Cameroon's legal guidelines for impact evaluation and compensation. Since 4B livelihood activities do not leave a trace, the value of damaged land and resources to the 4B goes unrecognized, and they are often under-compensated for the impact of these companies' activities.<sup>5</sup> Furthermore, many projects are developed and carried out without honoring the 4B right to free prior and informed consent.

7. Protected zones in Cameroon are also created without the free prior and informed consent of the 4B.<sup>6</sup> National parks and reserves often incorporate lands traditionally inhabited and used by them, as is the case for the Campo Ma'an, Nki,<sup>7</sup> and Boumba-Bek<sup>8</sup> parks; many 4B were made aware of the park's boundaries and existence only after their creation.<sup>9</sup> The activities that are permissible inside the limits of the park are dependent on the protected area management systems, which tend to prohibit hunting, settlement, and other human activities.<sup>10</sup> This is contrary to article 26 of the 1994 forestry law, which upholds the rights of the local communities to forest resources in the classification of state forests. It also violates the 4B rights to uphold their traditional and ancestral relationships with the land.<sup>11</sup>

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<sup>1</sup> Sayang, Julienne.

<sup>2</sup> Many 4B villages are located behind Bantu villages, and these Bantu often demand money to see "their Pygmies," or demand to "supervise" all activities of visitors here.

<sup>3</sup> UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, Art. 26.2

<sup>4</sup> UN General Assembly, *Universal Declaration of Human Rights*, Articles, 1, 13, and 23.1,

<sup>5</sup> Centre Pour L'Environnement Et Le Développement 2007, Paragraph 41.

<sup>6</sup> Center for Environment and Development 2010, pg 27

<sup>7</sup> Centre Pour L'Environnement Et Le Développement 2007, Paragraph 43

<sup>8</sup> Tegomo, Olivier.

<sup>9</sup> Center for Environment and Development 2010, pg 23

<sup>10</sup> Center for Environment and Development 2010, pg 27

<sup>11</sup> UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples* Art 25, 26.3

8. 4B exclusion from their traditional lands has violent manifestations. Eco-Guards, the anti-poaching enforcement arm of the Ministry of Forests and Wildlife, often enforce a policy of complete exclusion from these protected areas.<sup>12</sup> As forest dwellers and experts, the burden of suspicion for poaching falls all too often on the 4B. All it takes to be suspected of poaching is to be seen within the limits of a park reserve with a firearm, or to be in the vicinity of an area where poaching has taken place.<sup>13</sup> Eco-Guards employ torture, arbitrary punishment, brutality, and intimidation, creating an atmosphere of fear and horror in 4B villages.<sup>14</sup>

### Recommendations

9. Heed previous recommendations<sup>15</sup> to reform land registration and ownership laws to take indigenous customs, traditions, and tenure systems into consideration without discrimination.<sup>16</sup>

10. Guarantee 4B engagement and participation in the management of forest resources, including protected zones and commercial activity, both in law and on the ground:

11. Create and enforce legislation that obliges project impact assessments and compensation plans to take 4B needs and context into consideration, including hunting, gathering, and fishing grounds, sacred sites, and medicinal plants;

12. Enforce free, prior, and informed consent of the 4B in matters regarding land usage, including the creation of national parks and the establishment of commercial activities, in the areas where they live and carry out livelihood activities

13. Develop and incorporate meaningful 4B leadership in the management of forest resources, especially concerning the creation and management of protected areas and commercial activity.

14. The Cameroonian government must respect and protect the 4B right to perpetuate their distinct relationship with traditional lands and resources, and enforce adequate and culturally sensitive compensation in the event of destruction of, or displacement from, forest resources.<sup>17</sup>

15. Protected forest areas must be made truly open for 4B traditional activities, without the fear of eco-guard brutality. Reforms must be integrated into Cameroonian law and into eco-guard and police training, and enforced in engagement with companies and other stakeholders.

16. Combat the use of brutality, force, and torture in the fight against poaching.

### Education Rights

17. 4B children face many obstacles to education, due to barriers related to cost and to culture. Cameroon has adopted a policy of universal free primary education. Though there are no official costs associated with primary school, parents are still obligated to pay for uniforms,

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<sup>12</sup> Center for Environment and Development 2010, pg 19, 20

<sup>13</sup> Balla Outou, Appollinaire

<sup>14</sup> Balla Outou, Appollinaire ; In February 2011, elephant poachers were caught with ivories outside of Ngatto Ancien. A team of Eco-Guards descended upon Ngatto Ancien and began arbitrary beatings of Baka community members in order to gather information about the poaching expedition. Their tactics included beating with implements such as gun butts, firing warning shots, and suffocation. Information on this incident was gathered through direct observation by the author, and testimony from Baka victims.

<sup>15</sup> "UPR Info: Follow-up Programme: Cameroon." Recommended by Holy See.

<sup>16</sup> UN Committee on the Elimination of Racial Discrimination (CERD), Article 18 (d)

<sup>17</sup> UN Committee on the Elimination of Racial Discrimination (CERD) 18 (c)

books, parent-teacher association fees, and school supplies. Parents across villages attested that these costs render school unaffordable for their children.<sup>18</sup>

18. The East Region has been declared a priority education zone (ZEP) by the Ministry of Basic Education and UNICEF, entitling it to prioritized attention and resources for education.<sup>19</sup> Public schools in these areas are, however, generally in very poor condition; many villages lack school facilities with complete cycles or sufficient qualified teachers.<sup>20</sup> Their dilapidated infrastructure and poor staffing demonstrate neglect of education here.<sup>21</sup> Many schools in 4B areas do not receive even the “minimum package” of school materials, which includes a roster, a grading log, pens, and chalk.

19. Teachers are deployed at the will of the government, and those assigned to 4B zones encounter significant difficulties and physical discomfort. Since salaries are collected in town centers that are far away on poor roads, those who report to their isolated rural posts often work for months without pay.<sup>22</sup> Many are pushed to their limits and abandon their posts, leaving classrooms empty and children idle.<sup>23</sup>

20. As Cameroonians, 4B children have the right to an education that takes their cultural identity, language, and values into consideration,<sup>24</sup> in their own language and according to their own cultural methods.<sup>25</sup> However, cultural incompatibilities exist between the 4B traditional lifestyle and the Cameroonian formal education system.<sup>26</sup> Key hunting, fishing, and gathering seasons that the 4B depend on for survival coincide with class time and final exams. Attending school thus entails choosing between maintaining traditional activities and adapting to the mainstream rhythm of life with formal schooling.

21. An adapted school calendar that accommodates the 4B traditional calendar would permit 4B children to partake in formal schooling without enduring “forced assimilation,” which is expressly proscribed in the UN Declaration on the Rights of Indigenous Peoples.<sup>27</sup> Cameroonian law 98/004 of April 1998 requires education to take sociocultural contexts into consideration, to ensure that students learn rooted in their own culture, and to promote the use of local languages in classroom instruction. Teachers and parents alike attest to the importance of incorporating 4B language and culture into the classroom, but no teacher interviewed had received government training to do so. 4B students are forced to learn in French, which causes many to become frustrated and abandon school.<sup>28</sup>

22. The discrimination which the 4B face in Cameroonian society in general carries over into the classroom. 4B students are often victims of humiliation and violence from teachers and classmates alike.<sup>29</sup> Teachers in Cameroonian schools continue to use corporal punishment,

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<sup>18</sup> Centre Pour L'Environnement Et Le Développement 2007, Paragraph 17.

<sup>19</sup> CITE!!!!

<sup>20</sup> For example: Ngatto Ancien, with over 300 Baka inhabitants, has a school with only one classroom and two teachers for over 120 students age 5 through 16. Nearby Zoulabot Ancien has no school at all.

<sup>21</sup> Secretariat General du Cameroun, Page 5;

<sup>22</sup> Dumba, Gilbert Jules

<sup>23</sup> Setouk, Jean; Dumba, Gilbert Jules

<sup>24</sup> UN General Assembly, *Convention on the Rights of the Child*, Article 29(c)

<sup>25</sup> UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, Article 14.1

<sup>26</sup> Mougou, Joseph. pg 13

<sup>27</sup> UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples : resolution / adopted by the General Assembly, Article 8.*

<sup>28</sup> Nko'o Paulin

<sup>29</sup> Mougou, Joseph p 13; 2010 Document pg 10

which, in addition to violating their rights,<sup>30</sup> has a uniquely adverse effect on 4B students, causing many to flee school and never return.<sup>31</sup>

### Recommendations

23. Heed past recommendations to allocate equitable resources to 4B areas,<sup>32</sup> and take all possible measures to promote truly universal and free primary education.<sup>33</sup>
24. The law number 2004/017 of July 2004 stipulates the decentralization of education administration to the level of the mayor's offices. This decentralization could facilitate the adaptation of education to local realities, as recommended by Cameroonian and international law. Cameroon should take advantage of this opportunity to:
25. Dedicate increased resources to schools in 4B areas, especially in the East Region as a priority education zone;
26. Develop an adapted school calendar that accommodates 4B traditional activities;
27. Incorporate 4B local languages into formal education;
28. Collaborate with NGO's to develop and implement a school program that incorporates the Baka sociocultural context. This should be done with a view to developing a school program that not only cultivates respect for national values, but also for the child's family, cultural identity, language, and values. This report reiterates previous recommendations<sup>34</sup> to recognize and promote existing methods for this purpose,<sup>35</sup> adding that these methods should be updated and built upon to better meet the aforementioned objectives.
29. Offer specialized training and support for teachers working in 4B areas:
30. Provide incentives and support for teachers, including classroom material, pedagogic training, and supplemental pay, to help them to keep their posts and do their job well;
31. Fight against corporal punishment by teachers in schools as previously recommended.<sup>36</sup>
32. Train teachers to foster dialogue in their classrooms to promote peace, understanding, and cooperation among students with a view to reducing bullying and violence.
33. Train teachers on special teaching methods for reaching 4B students, including the use of 4B mother tongue.
34. Sign and ratify the Convention on the Elimination of Discrimination in Education, as recommended in the past.<sup>37</sup>

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<sup>30</sup> UN General Assembly, *Convention on the Rights of the Child*, Article 28.2

<sup>31</sup> Patricia, Nadine, et al.

<sup>32</sup> UN Committee on the Rights of the Child (CRC), *Consideration of reports submitted by States parties under article 44 of the Convention : Convention on the Rights of the Child : Cameroon*, Articles 65, 66;

"UPR Info: Follow-up Programme: Cameroon." Recommended by Belarus.

<sup>33</sup> "UPR Info: Follow-up Programme: Cameroon." Recommended by Brazil.

<sup>34</sup> 2010 ICERD consideration report

<sup>35</sup> It is called ORA (Observer, Reflechir, Agir), and has been used in non-government pre-primary and primary schools for decades with proven effectiveness. See Venant, Messe.

<sup>36</sup> UN Committee on the Rights of the Child (CRC), *Consideration of reports submitted by States parties under article 44 of the Convention : Convention on the Rights of the Child : Cameroon*, Article 66(e).

<sup>37</sup> UPR Info: Follow-up Programme: Cameroon. Recommended by Azerbaijan.

## **Labor Rights:**

35. The 4B are often used as cheap manual labor by their Bantu neighbors, who, as stated previously, often view the 4B as their property. They endure slavery-like conditions, working long hours and paid in alcohol, small sums of money, or nothing at all.<sup>38</sup> Some Bantu take large groups of 4B workers from the village to work for weeks at a time, while others create debt schemes that bind the Baka to them as laborers.<sup>39</sup>

36. Many 4B are alcohol-addicted, and their dependence binds them to the labor relationship described above. Bantu produce and sell alcohol, and many use the prevalence of alcoholism among the 4B to accumulate debts which they then require to be repaid through labor.<sup>40</sup> The work only deepens 4B addiction and furthers their dependency on the Bantu, rather than granting them increased independence. This relationship goes unreported; the 4B tend to feel helpless to change the situation, and view it as the reality of power dynamics between 4B and Bantu, rather than a violation of their human rights.

## **Recommendations**

37. Conduct awareness campaigns among the 4B of their labor rights and available mechanisms for redress in the event of labor rights violations.

38. Educate the Bantu as to their obligations to the 4B as workers, emphasizing the idea that no human can belong to another human, and that no one has the right to enslave another.

39. Combat alcohol abuse by increasing awareness of the harmful effects of alcohol, and by limiting alcohol consumption through regulation.

40. Conduct awareness campaigns on the ground to promote awareness of laws that guarantee dignity, autonomy and freedom from slavery, in order to change the perception of the relationship between Baka and Bantu from one between slave and master to one of respect between equals.

41. Raise awareness among the 4B of their rights as laborers, and mechanisms for redress in the event of labor abuse.

## **Political Rights**

42. The 4B are not consulted on issues and decisions that have significant impact on their lives. The 4B interest tends to be represented by Bantu, including in discussions with logging, mining, and agro-forestry companies, whose actions and activities deeply affect 4B life. The 4B do not traditionally have village chiefs, and today are represented by local Bantu chiefs. Lack of their own legitimate chiefs, language barriers, high mobility, and low literacy rates prevent the 4B from achieving self-representation in critical decision-making forums.

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<sup>38</sup> Men and women alike in Bosquet and Ngatto Ancien work for entire days on Bantu farms, in exchange for a cup of alcohol or a small sum of money. Many of these Bantu harass the Baka at early hours of the morning to leave their homes and work on the farms throughout the day.

<sup>39</sup> Bantu farmers often arrive in Baka villages with a large vehicle, which they fill with men, women, and children alike, transporting them to cultivate commercial and subsistence fields for weeks at a time. This practice was witnessed by the author in Bosquet and Payo.

<sup>40</sup> Many Bantu who produce locally brewed alcohol invite the Baka to drink for free, and demand repayment in the form of free manual labor that exceeds the value of the alcohol consumed. This practice is common in Ngatto Ancien, the Mballam area, and the Bosquet/Nomedjo areas in both commercial and subsistence farming

43. Most 4B do not have birth certificates or national identity cards.<sup>41</sup> This fact, a human rights violation in itself,<sup>42</sup> exposes them to other human rights violations. Children cannot enroll in school without birth certificates, though some schools now make exception for the 4B. Police demand identification at checkpoints, and failure to present a national ID card means fines or even jail time. Checking in to a hospital also requires identification. The 4B are arbitrarily excluded from access to education and basic health care because they are born in villages far from places that provide birth registration or identity cards.

### Recommendations

44. Develop strategies for developing and engaging meaningful 4B leadership with a view to honoring its obligation to ensure indigenous participation in relevant political, legal and administrative processes.<sup>43</sup>

45. Ratify and implement ILO Convention 169 with a view to promoting 4B consultation and participation in processes that impact their lives.

46. Endeavor to provide identity cards and birth certificates to the 4B. Some towns already offer free birth and identification registration for 4B, but Cameroon must now work to bring these services and the 4B together. This must not just be a one-time sweep of villages for unregistered 4B, but rather a system put in place for regular and continual registration.

### Conclusion

47. Cameroon is signatory to most relevant human rights documents protecting indigenous and marginalized groups, but implementation and monitoring on the ground are very weak.

48. Though the gap is wide between laws as they are signed and how they are enforced, it is still important that Cameroon sign the full range of human rights mechanisms available, to serve as a basis and a framework for action. Among the documents that must be signed with all due haste are: the Convention on the Elimination of Discrimination in Education, the Convention on the Rights of Indigenous Peoples, and ILO Convention 169.

49. Realities on the ground in 4B villages demonstrate that the situation of this population is dire, largely due to neglect by the Cameroonian government to fulfill its obligation to protect and ensure their human rights. By signing crucial human rights conventions and by truly embracing and implementing all of the conventions to which it is already a signatory, Cameroon can make significant progress in ending generations of injustice for the 4B.

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<sup>41</sup> UN Committee on the Rights of the Child (CRC), *Consideration of reports submitted by States parties under article 44 of the Convention : Convention on the Rights of the Child : Cameroon*, Articles 33-34

<sup>42</sup> UN General Assembly, *Convention on the Rights of the Child*, Article, Article 7.1

<sup>43</sup> UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, Article 13.2

## Annex: Compilation of Recommendations:

### Land Rights:

- Heed previous recommendations<sup>44</sup> to reform land registration and ownership laws to take indigenous customs, traditions, and tenure systems into consideration without discrimination.<sup>45</sup>
- Guarantee 4B engagement and participation in the management of forest resources, including protected zones and commercial activity, both in law and on the ground:
  - o Create and enforce legislation that obliges project impact assessments and compensation plans to take 4B needs and context into consideration, including hunting, gathering, and fishing grounds, sacred sites, and medicinal plants;
  - o Enforce free, prior, and informed consent of the 4B in matters regarding land usage, including the creation of national parks and the establishment of commercial activities, in the areas where they live and carry out livelihood activities
  - o Develop and incorporate meaningful 4B leadership in the management of forest resources, especially concerning the creation and management of protected areas and commercial activity.
- The Cameroonian government must respect and protect the 4B right to perpetuate their distinct relationship with traditional lands and resources, and enforce adequate and culturally sensitive compensation in the event of destruction of, or displacement from, forest resources.<sup>46</sup>
- Protected forest areas must be made truly open for 4B traditional activities, without the fear of eco-guard brutality. Reforms must be integrated into Cameroonian law and into eco-guard and police training, and enforced in engagement with companies and other stakeholders.
- Combat the use of brutality, force, and torture in the fight against poaching.

### Education

- Heed past recommendations to allocate equitable resources to 4B areas,<sup>47</sup> and take all possible measures to promote truly universal and free primary education.<sup>48</sup>
- The law number 2004/017 of July 2004 stipulates the decentralization of education administration to the level of the mayor's offices. This decentralization could facilitate the adaptation of education to local realities, as recommended by Cameroonian and international law. Cameroon should take advantage of this opportunity to:
  - o Dedicate increased resources to schools in 4B areas, especially in the East Region as a priority education zone;
  - o Develop an adapted school calendar that accommodates 4B traditional activities;
  - o Incorporate 4B local languages into formal education;

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<sup>44</sup> "UPR Info: Follow-up Programme: Cameroon." Recommended by Holy See.

<sup>45</sup> UN Committee on the Elimination of Racial Discrimination (CERD), Article 18 (d)

<sup>46</sup> UN Committee on the Elimination of Racial Discrimination (CERD) 18 (c)

<sup>47</sup> UN Committee on the Rights of the Child (CRC), *Consideration of reports submitted by States parties under article 44 of the Convention : Convention on the Rights of the Child : Cameroon*, Articles 65, 66;

"UPR Info: Follow-up Programme: Cameroon." Recommended by Belarus.

<sup>48</sup> "UPR Info: Follow-up Programme: Cameroon." Recommended by Brazil.

- Collaborate with NGO's to develop and implement a school program that incorporates the Baka sociocultural context. This should be done with a view to developing a school program that not only cultivates respect for national values, but also for the child's family, cultural identity, language, and values. This report reiterates previous recommendations<sup>49</sup> to recognize and promote existing methods for this purpose,<sup>50</sup> adding that these methods should be updated and built upon to better meet the aforementioned objectives.
- Offer specialized training and support for teachers working in 4B areas:
  - Provide incentives and support for teachers, including classroom material, pedagogic training, and supplemental pay, to help them to keep their posts and do their job well;
  - Fight against corporal punishment by teachers in schools as previously recommended.<sup>51</sup>
  - Train teachers to foster dialogue in their classrooms to promote peace, understanding, and cooperation among students with a view to reducing bullying and violence.
  - Train teachers on special teaching methods for reaching 4B students, including the use of 4B mother tongue.
- Sign and ratify the Convention on the Elimination of Discrimination in Education, as recommended in the past.<sup>52</sup>

#### Labor Rights

- Conduct awareness campaigns among the 4B of their labor rights and available mechanisms for redress in the event of labor rights violations.
- Educate the Bantu as to their obligations to the 4B as workers, emphasizing the idea that no human can belong to another human, and that no one has the right to enslave another.
- Combat alcohol abuse by increasing awareness of the harmful effects of alcohol, and by limiting alcohol consumption through regulation.
- Conduct awareness campaigns on the ground to promote awareness of laws that guarantee dignity, autonomy and freedom from slavery, in order to change the perception of the relationship between Baka and Bantu from one between slave and master to one of respect between equals.
- Raise awareness among the 4B of their rights as laborers, and mechanisms for redress in the event of labor abuse.

#### Political Rights

- Develop strategies for developing and engaging meaningful 4B leadership with a view to honoring its obligation to ensure indigenous participation in relevant political, legal and administrative processes.<sup>53</sup>

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<sup>49</sup> 2010 ICERD consideration report

<sup>50</sup> It is called ORA (Observer, Reflechir, Agir), and has been used in non-government pre-primary and primary schools for decades with proven effectiveness. See Venant, Messe.

<sup>51</sup> UN Committee on the Rights of the Child (CRC), *Consideration of reports submitted by States parties under article 44 of the Convention : Convention on the Rights of the Child : Cameroon*, Article 66(e).

<sup>52</sup> UPR Info: Follow-up Programme: Cameroon. Recommended by Azerbaijan.

<sup>53</sup> UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, Article 13.2

- Ratify and implement ILO Convention 169 with a view to promoting 4B consultation and participation in processes that impact their lives.
- Endeavor to provide identity cards and birth certificates to the 4B. Some towns already offer free birth and identification registration for 4B, but Cameroon must now work to bring these services and the 4B together. This must not just be a one-time sweep of villages for unregistered 4B, but rather a system put in place for regular and continual registration.

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