

CAMEROON

Joint NGO Report Submitted to the U.N. Human Rights Council Universal Periodic Review of Cameroon 16th Session May/June 2013

Submitted by:



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¹ <http://esango.un.org/civilsociety/showProfileDetail.do?method=showProfileDetails&profileCode=2643>

INTRODUCTION

This Report has been compiled following extensive direct engagement with Mbororo pastoralists, research on relevant publications and consultation with relevant stakeholders. The Mbororo are a pastoralist peoples living in at least 23 countries in Africa known by different names as Cattle Fulani, Bush Fulani, pastoralist Fulani, Mbororo-Fulani, Felata, Fula, etc. The Mbororo² of Cameroon who number over a million³ identify themselves as a minority indigenous peoples.⁴ They are recognised by the government of Cameroon⁵, international organisations and independent researchers as marginalised peoples.⁶ Cameroon has ratified all the key international treaties for protection and promotion of human rights including minority rights and has incorporated these treaties into its own laws.⁷ Cameroon voted in favour of the UN Declaration on the Rights of Indigenous Peoples in 2007.⁸ Mbororo representatives have been involved by some government departments in developing policies and strategies on indigenous people and also in various National and International Days. The National Commission on Human Rights and Freedoms has also engaged with Mbororo representatives in producing its annual reports. The government has also carried investigations⁹ on some abuses suffered by the Mbororo and in certain case local courts and government administrative officials have taken commendable decisions to protect the Mbororo from abuses. However, despite these positive steps, there are no concrete actions to implement or enforce laws, findings, policies, treaties and decisions to protect the Mbororo from discrimination, injustices and marginalisation.

2.0. MAIN ISSUES

2.1. Survival and Existence

The Mbororo people of Cameroon face serious threats to their existence as a people. Farmer-Grazier conflicts dating back to colonial times still persist unresolved. Some of the problems, for example, in Sabga, North-West Region, have been on-going for over 100 years! Attempts at demarcating communal grazing (national) lands and communal farming lands have either been inadequate or completely absent. Commercial ranchers and land speculators view these lands as not owned so target them. Government officials come from the farming communities so they have similar biased views on grazing to those of their dominant communities. As of August

² The Mbororo in general identify themselves first as members of the over 40 clans (Ienyi) which in turn identify with 3 main migratory and sub-cultural Groupings (Jafun, Aku and Wodabe). Each clan (Ienyol) is divided into (suudu or juriha) which is a common ancestral lineage traced to one ancestor usually a male.

³ <http://www.iwgia.org/regions/africa/cameroon/855-update-2011-cameroon>

⁴ Pelican: 2009

⁵ Statement by Dion Ngute, Cameroon Minister at the hearing of the Committee on Elimination of Racial Discrimination; <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=9837&LangID=E>

⁶ Moiche: 2001; Pelican: 2009

⁷ The Constitution of the Republic of Cameroon 1972, Amended 1996, in its Preamble states : "Affirm our attachment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations and The African Charter on Human and Peoples' Rights, and all duly ratified international conventions relating thereto."

⁸ Pelican: 2009

⁹ Cameroon: Millionaire rancher probed ... <http://www.irinnews.org/printreport.aspx?reportid=45763>

2012, the communal lands belonging to the people of Sabga, Kedjom Keku, Kom and Esu are still occupied by ELBA Ranch against all administrative and judicial decisions which confirm and demand that they be restored to the communities. There concerted efforts from government officials to cancel a land title belonging to Ardo Maman Umaru, a prominent Mbororo community Leader in Wum, North-West Region despite the fact that this title was obtained legally many ago. There is also no progress or dialogue on the land issues raised by the Bakweri Land Claims Committee at the African Commission.¹⁰ While not all the lands belong to the Mbororo, the issues are connected because the perpetrator is one and the same person in all these cases and also produces copy cat snowball effects for others to follow.

In a previous Review the ICERD recommended that Cameroon take effective measures to protect the right of each group of indigenous people to its ancestral lands and the natural resources found there, and to ensure that national development programmes comply with the principle of participation and the protection of the distinctive cultural identity of each of these groups. In this regard, the Committee referred Cameroon to its general comment on the right of everyone to take part in cultural life.¹¹ From the above specific examples, the Government and the State of Cameroon has not complied with these Recommendations.

Mbororo people are disproportionately affected by the phenomenon of 'coupeurs de route' organised armed gangs especially in the Northern and Eastern Regions. Mbororo families in neighbouring Chad, Nigeria and Central African Republic have also suffered enormously from armed gangs and adverse climate changes. This has a direct and immediate impact on those in Cameroon because they are closely related to those living in these countries, who often turn to them for refuge when their cattle and possessions are decimated. Their cattle constitute an attractive and easy target for armed robbers and raiders who take family members hostage against huge ransoms. Many Mbororo lives are being lost on weekly basis. With their survival and existence on constant threat, it is impossible for a lot of the Mbororo to claim or enjoy their rights. This problem needs a Regional cross-boarder solution involving all the countries affected.

2.2. Political, civil and economic participation

The Mbororo of Cameroon are marginalised in the political arena. **No Mbororo in Cameroon has ever been** a Member of Parliament, Governor, Senior Divisional Officer, Minister, Senior Military Officer, Director of a state company, Rector of a University, owner of a Small, Medium or large Enterprise, economic operator, leader of a political party, Trade Union, a media organisation or any substantial civil or traditional leader. The few Mbororo working in the civil service are either junior or middle management level. No Mbororo traditional authority/Chief or Lamido is a First Class Chief under Cameroon legislation. This is because Chiefdoms have always been attached to geographical territory and therefore as a community of identity, the

¹⁰ 260/02 : Bakweri Land Claims Committee / Cameroon <http://caselaw.ihrda.org/doc/260.02/view/>

¹¹ No. 21 (2009)

Mbororo have always been considered as second class citizens or strangers. Under these circumstances they remain subjugated under authority of different cultures and religions.

There are disproportionately much higher levels of unemployment among Mbororo youths leading to high levels of crime and destitution. The Mbororo are often discriminated when it comes to employment where less than 0.5% of the educated Mbororo youths have access to employment. There is no positive action policy to redress this situation. A memorandum sent to government authorities in 2011, with a list of Mbororo University graduates for the recruitment among the 25,000 launched by the President of Cameroon in 2010 was ignored by the government.

2.3. Discrimination and inequality

The Mbororo are discriminated against officially and by dominant groups. In addition to lack of representation in the political, economic and civil arenas, here are two more glaring examples of discrimination.

The first is the perennial abuse by authorities and people in position of power against the Mbororo which go unpunished. While this is a general phenomenon in Cameroon, the Mbororo suffer disproportionately from abuses without remedies or redress due to their low literacy and isolated geographical locations. A specific example is the case of powerful billionaire commercial rancher, plantation owner and member of the Central Committee of the ruling Party, who has forcefully and arbitrarily displaced Mbororo people from their communal lands and persecuted and abused them in the North-West Region, Douala and Yaoundé. The lands of Sabga community have still not been restored to them despite a Government Commission Findings and Recommendations for the lands to be restored going back 8 years.¹² Despite numerous court rulings, administrative decisions, UN and NGO interventions in favour of the Mbororo the situation has not changed and even deteriorated in 2012. This individual is using his private TV Channel¹³ to promote ethnic hatred against the Mbororo community and the Pygmies. The Channel runs smear campaigns against community activists who help his victims.¹⁴ Despite complaints backed by copies of the videos of these dangerous and illegal propaganda broadcasts, the authorities have not taken any action. No other ethnic group in Cameroon can be abused so much for so long without remedy and redress. He uses official police, gendarmes, government officials, judges and prisons to persecute the Mbororo therefore this constitutes official violations, discrimination and racism.

¹² CAMEROON: Millionaire rancher probed for seizing land and cattle from tribesmen.

<http://www.irinnews.org/printreport.aspx?reportid=45763>

¹³ Dan Broadcasting System (DBS TV) is owned by Baba Ahmadou Danpullo. It operates outside the law from the economic capital Douala broadcasting to several African countries in Fulfulde and Hausa languages. When the matter was raised with the Minister of Communication, he simply dismissed it, saying Mr. Danpullo is his friend.

¹⁴ Cameroon: Anti-'Pygmy' and Mbororo Hate Campaign on DBS TV: <http://minorityvoices.org/news.php/en/855/>

The second specific example is a discriminatory tax that has existed in Cameroon for over 100 years called *Jangali* Tax. It is a tax on cattle and horses derived from Islamic tax systems prior to the arrival of colonisers which was inherited by the colonial and post-colonial authorities. The tax is inherently unfair and discriminatory because it is levied on cattle and horses owned by individuals for subsistence and cultural reasons and not for purely economic purposes. Given the fact that more than 90% of privately owned cattle and horses are owned by one ethnic group – the Mbororo people, this tax disproportionately targets this specific racial group indirectly. While their neighbouring farming communities do not pay for their pigs, coffee and crop farms, the Mbororo pay for their animals. And in addition every time they sale each animal the seller and the buyer both pay taxes and through each Council area they travel to the very highly underdeveloped cattle markets. The grazing rangelands have also never received any development from the tax. . The tax constitutes double taxation. While paying a tax at point of sale is not a problem, paying an annual tax for each animal by largely one specific ethnic group is unfair and must be abolished. The tax also perpetuates an erroneous colonial assumption that the Mbororo are in the country temporarily and will leave, thereby maintaining the notion of a ‘stranger community’ who are indeed part and parcel of the country as bona fide citizens. The tax also contributes towards raising the price of meat and dairy products which are an important part of the diet of ordinary Cameroonians who find it hard to afford. It is in the interest of all Cameroonians for the tax to be scrapped and replaced by a ring-fenced development levy paid to local councils and managed by a specific Committee for the development of communal lands.

The Mbororo also have serious problems with regards access to education, healthcare, security, jobs or income generating activities.

2.4. Violation of the economic rights of the Mbororo

In 2011, the powerful billionaire rancher mentioned above, issued an ultra vires ban on horse trade in the North-West Region and ordered gendarme and police authorities to seize horses belonging to the Mbororo. He wrote to all community leaders copying Senior Divisional Officers ordering that no horse be sold or bought and that he will be the only person to buy or sell horses ostensibly to protect them from extinction. At least 12 herdsman were arrested on their way to horse markets or at the official markets and imprisoned in Nkongsamba, Ndop and Dschang for periods of up to three months. Despite a decision by the Governor of the North-West Region¹⁵, instructions from the Ministry of Commerce and a Court Ruling of the Nkongsamba Court of First Instance¹⁶, freeing the herdsman and ordering the return of their horses and for the horse trade to continue, the perpetrator is still keeping about 58 horses belonging to the herdsman and still harassing anyone attempting to sale or trade their horses.

¹⁵ See Appendix --- Communiqué No. 45 of the Governor of the North-West Region

¹⁶ On 20th March 2012, the Nkongsamba Court of First Instance discharged and acquitted 11 Mbororo herdsman who were wrongfully imprisoned for 3 months and refused bail following trumped charges initiated by BAD.

On the night of July 1st, 2012, a prominent Mbororo activist, Jeidoh Duni who led the campaign to reverse the horse ban and free the herdsmen was attacked by gunmen in his home in Ndop.¹⁷ Three weeks after the attempt on the life of Mr. Duni, five suspects were arrested by Cameroon's anti-crime elite Unit, BIR. Three of the suspects confessed to the crime and one suspect mentioned the billionaire rancher as being the 'sponsor' of the attack. However, all five suspects were suddenly released from detention as soon as they were handed over to Gendarme authorities of the North-West Legion. Despite their confessions including phone records, and assurances from Government authorities that justice will be done, no one has been charged for the attempt on Mr. Duni's life, seven weeks following this heinous crime!

The powerful billionaire rancher, politician and plantation owner has instead intensified meetings with top government officials and threats to eliminate leading Mbororo activists. These threats are backed by gendarme and police summons issued to activists on trumped up charges usually of defamation of the rancher or his close aides recruited from among the Mbororo and local communities. Mr Danpullo has never complied with a single court or administrative decision for 26 years!

2.5. Protection, promotion and enjoyment of cultural identity

The Mbororo of Cameroon are largely free to practice their culture, language, religion and traditions, their traditional institutions and organisations have come under persistent and systematic attack by the powerful politician billionaire and his supporters for over 20 years. For example, despite U.N. Human Rights Council intervention on the case of the Sabga Community Leader who was arbitrarily deposed by the said billionaire politician, the Community Leader in question has not been restored. About 30 Ardos (Mbororo community leaders) have been deposed or arbitrarily created with the influence of this one billionaire politician and land owner who is not an Mbororo himself.¹⁸

In 2011, the powerful Sultan of the Bamoun and former Minister of Interior threatened the Mbororo Lamido (traditional leader) of Didango, a Mbororo settlement, describing him as a 'small boy' and expressly saying that Mbororo people are strangers and have no right to a ruler besides him, the Sultan.¹⁹ Despite the fact that the Mbororo have been settled in Didango for over 100 years, they are still viewed as strangers!²⁰ In these circumstances Mbororo people are not able to express and protect their own identity like other ethnic groups in Cameroon.

In previous examination of the State Report the CESCR considered Cameroon's implementation of the International Covenant on Economic, Social and Cultural Rights²¹. The

¹⁷ Attempt of the life of a human rights activist:

<http://www.facebook.com/media/set/?set=a.416740278368282.87693.266424123399899&type=3>

¹⁸ Submission of the Commonwealth Human Rights Initiative for the Universal Periodic Review of Cameroon, September 2008

¹⁹ Xenophobia: Le Sultan de Bamoun veut chasser des Mbororo du Noun. *Le Courrier* du 21/12/2011, p.1

²⁰ Y-a-t-il un probleme Mbororo dans le Noun? *Orientalion* No. 070 du 09 Mai 2012 p. 8

²¹ OHCHR, E/C.12/CMR/2-3; E/C.12/2011/SR.41-43), 21 and 22 November and 2 December 2011.

Committee expressed concern that some groups do not have the same economic, social and cultural rights as the rest of the population. The Committee also expressed regrets at the lack of a comprehensive policy on indigenous peoples of which the Mbororo are a one.²² The Committee urged Cameroon to adopt a consistent and comprehensive policy to promote the right of indigenous peoples to an adequate standard of living.²³ Furthermore, the Committee urged Cameroon to guarantee the economic, social and cultural rights of indigenous peoples when major projects outlined in the growth and employment strategy paper are launched. The Committee also recommended that Cameroon raised the awareness of indigenous people to their right to be involved in decision-making that affects them throughout the various phases of those projects. The Committee was concerned that, despite its legal recognition of the cultural rights of indigenous peoples living on its territory, Cameroon had moved some communities, such as the Mbororo community, away from their ancestral lands, thereby forcing those communities to adapt to other dominant cultures in the country.²⁴

The Cameroon government has made progress in developing policy on indigenous peoples including the Mbororo, however, beyond the policy, there is no evidence of actions backed by resources to protect the social, cultural and economic rights of the Mbororo. On-going abuses that have existed for decades continue unabated.

3.0. CONCLUSION

The above examples, which are by no means, exhaustive or isolated cases, are serious violations of Cameroon's Constitution/Laws, the Universal Declaration of Human Rights, the African Charter on Peoples, Human Rights and the International Covenant on the Elimination of all forms of Racial Discrimination etc. which places an obligation on states to adopt measures for the benefit of individuals and groups (CERD Article 1.4), outlaw excitement to racial hatred and related practices (CERD Article 4) and other civil, political, economic, social and cultural rights that must be guaranteed without discrimination (CERD Article 5). The discrimination against the Mbororo in Cameroon has been on-going for over 100 years. Our forefathers under the auspices of the Fulani Council submitted a petition to a visiting U.N. Mission to this effect as far back as 1955²⁵, as for rights to land and equal citizenship. Sixty years later the issues are still unresolved! We urge Cameroon to comply with its international obligations enshrined in its Constitution.

²² Art. 2, Para. 2 *ibid*

²³ No. 20 (2009)

²⁴ Art. 15

²⁵ Public Archives Bamenda. File No. B.2807/5. Petition from the Fulani of Bamenda to the Chairman U.N. Visiting Mission. Bamenda 10th November 1955.

4.0. RECOMMENDATIONS

We recommend that the Council urge Cameroon government/state party to:

- 4.1. Take concrete measures to guarantee minorities access to employment, decision making, health and education and stop illegal evictions of grazers from their lands, extortion, arbitrary arrests and abusive detentions without trial.
- 4.2. Review, update and implements its own findings by the Inter-Ministerial Commission of investigation that was created in 2003 by the Presidency of the Republic and led by Justice Jani.
- 4.3. To ensure meaningful representation of members of minority group in public life through positive action, including in Parliament and Councils and review and regularise all Mbororo Ardorates (Chieftdoms) and revoke those arbitrarily set up.
- 4.4. Ensure that that minorities can freely express their identities and enjoy their own culture including designating their community leaders with interference.
- 4.5. Ensure that economic activities that negatively affect the Mbororo pastoralists are properly monitored and to bear in mind that this group depends on these lands for subsistence.
- 4.6. Work with the UN agencies to find solutions to the cross border raids on Mbororo people on the borders between Cameroon, Central African Republic, Chad and Nigeria.
- 4.7. Take concrete and definitive measures to enforce Court decisions and administrative decisions ordering the proprietor of ELBA RANCH to hand over all the cattle and horses confiscated from the pastoralists since 1986 back to their original owners and also compensate the victims who's right have been violated.
- 4.8. Investigate and prosecute DBS private TV channel conforms to the laws on broadcasting and stop the channel from propagating racist propaganda and fuelling community tensions.
- 4.9. Investigate and prosecute the livestock development company SODELCO created since 1993, which has been extorting 'shares' in cash and cattle from and impoverishing the Mbororo people.
- 4.10. Abolish the Ndawara Islamic Alkali Customary Court, Gendarmerie Post and Lamidat (Kingdom) which are purely structures of oppression and abuses against the Mbororo people. The majority of Ranch employees are non-Mbororo and non-Muslim so what is the need for a Muslim Court?

6 APPENDIXES ATTACHED

- Communiqué of the Governor of the NW Region of 7th Dec. 2011, declaring BAD's horse ban ultra vires
- Ruling of the North-West Court of Appeal freeing Ousman Haman and Others.
- Letter from the Governor of NW Region summarizing the problems of the Mbororo
- Official Investigation Report on torture inflicted on Ousman Haman at ELBA Ranch.
- Ruling of the Wum Court of First Instance in Idrissa Nani v. ELBA Ranch.
- Ruling of the Nkongsamba Court of First Instance freeing arbitrarily imprisoned herdsmen

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- Le Courrier* du 21/12/2011, p.1. Xenophobie: Le Sultan de Bamoun veut chaser des Mbororo ..
Orientation No. 070 du 09 Mai 2012 p.8. Mbororo du Noun. Y-a-t-il un probleme Mbororo dans le Noun?
- Justice and Dignity Campaign portal: www.justice-dignity.net