



In and Around Cameroon's Protected Areas:

A rights-based analysis of access and resource use agreements
between Indigenous Peoples and the State



Forest
Peoples
Programme



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Table of Contents

| | |
|---|----|
| Summary | 05 |
| Introduction | 06 |
| Case study 1: Ngoyla Wildlife Reserve | 10 |
| Case study 2: MoU for Lobeke, Boumba Bek and Nki National Parks | 14 |
| Conclusions | 20 |
| Recommendations for the state | 21 |
| Recommendations for conservation actors | 22 |
| Appendix: Methodology | 24 |

Summary

There is increasing evidence that when indigenous communities have rights to their land, conservation is more effective and levels of biodiversity are higher. Yet conservation programmes continue to favour exclusionary approaches, locking out the people who have preserved these forests over thousands of years.

In Cameroon, protected areas have long been created with no or little regard to the customary rights of indigenous peoples and local communities to their lands and natural resources. The result has been the exclusion of indigenous peoples and local communities from their lands, in violation of the international human rights law obligations of the Republic of Cameroon, in conjunction with significant other violations (such as physical abuse by ecoguards).

In recent years, the Cameroon Administration, in conjunction with WWF, has negotiated access agreements (memoranda of understanding, MoU) with Baka communities affected by a number of protected areas. These agreements seek to ensure that indigenous communities maintain or regain access to their lands and resources within protected areas for the purposes of their traditional activities and customary sustainable use.

This report analyses the effectiveness in practice of MoUs in improving indigenous communities' access to their lands and resources, through two case studies. The case studies, assess two MoU processes covering four protected areas in South and East Cameroon: the Ngoyla Wildlife Reserve, and the Lobeke, Boumba Bek and Nki National Parks.

Our research shows that 17 months after its signing, Baka communities around the Ngoyla Wildlife Reserve have not benefited from the MoU. They remain largely unaware of the MoU and its contents, and this, plus continuing concerns over ecoguard abuse, prevent them from making use of the Reserve's access zones.

In relation to the Lobeke, Boumba Bek and Nki protected areas, it is too early to assess the effectiveness of the MoU,

which was put in place only months before our research was conducted. However, interviews with communities highlight serious concerns with the way government and conservation actors have engaged with indigenous communities, and the MoU as signed has serious shortcomings.

For both agreements, access and use is being treated as a privilege being granted by the government – which requires Baka communities to give something in return – rather than as a right which the government's creation of these protected areas has systematically violated, and which must be remedied. This ultimately reflects the broader problem that these MoUs do not remedy the fundamental ongoing violation of human rights, which is the non-recognition and non-respect for indigenous peoples' customary lands, territories and natural resources.

Our research also shows that past and present abuses of indigenous peoples by the protected areas' eco-guards have left communities fearful of entering the forest to carry out their traditional livelihoods and cultural practices. Many Baka now spend most of their time in villages, disconnected from the forest, which has a profound effect on inter-generational transmission of cultural and ecological knowledge, their culture and livelihoods.

Significant efforts – and acknowledgement of past errors – are required in order to remedy the continuing human rights violations suffered by indigenous communities affected by Cameroon's protected areas. This report provides recommendations, for both state and conservation actors, to ensure that human rights are respected, and that conservation efforts are as effective as possible.

We note that since research for this report was conducted, various activities have been conducted by WWF and other actors with Baka communities in the Lobeke area, to increase awareness of the MoU and its contents. We welcome this development, and the ongoing efforts being made to address some of the issues highlighted in this report.

Introduction

Ownership, management of, and access to ancestral territories is central to the ability of indigenous peoples to exercise self-determination, maintain areas of natural diversity, pursue their livelihoods, and enjoy traditional cultural activities. Respect for customary territorial rights is also a fundamental requirement of international law.

Despite this, national conservation programmes in Cameroon continue to favour exclusionary approaches to biodiversity conservation, via the creation of protected areas from which local populations are evicted and/or denied access. Setting aside large areas of land for conservation in this way has dire consequences for indigenous people, who not only suffer from impoverishment and discrimination, but also cultural and physical harm, for example, at the hands of eco-guards.

A common response by conservation actors, to the problems associated with the protected area model, is to create access and resource use agreements, called memoranda of understanding (MoUs). One such agreement related to Lobeke, Boumba Bek and Nki National Parks was [announced](#) by WWF earlier this year; another was entered into in relation to the Ngoyla Wildlife Reserve in early 2018. But do these MoUs in fact make a positive difference to people on the ground?

Forest Peoples Programme and Okani carried out field research in 18 Baka communities, living around these four protected areas, who had recently signed such an agreement, in order to understand their perspectives and to see what changes they had noted.



The context of protected areas in Cameroon

Under international law, indigenous peoples and traditional communities are entitled to own, occupy, manage and use the lands, territories and natural resources that they have customarily used. These rights are protected under various international instruments to which Cameroon is a party, including the African Charter on Human and Peoples' Rights (art 14), the International Covenant on Economic, Social and Cultural Rights (arts 1, 2, 11, 12), and the International Covenant on Civil and Political Rights (arts 1, 27). Under international law, indigenous peoples' customary rights are equivalent to all forms of other property rights in the country (not subsidiary to them) and exist regardless of whether the State has recognised them. Because of their vulnerability, these rights are protected by special procedural rules which apply before indigenous peoples' or traditional communities' lands can be encroached upon – specifically, such encroachment may only take place on the basis of free, prior and informed consent.

Despite the requirements of international law, in Cameroon indigenous peoples' and local communities' customary ownership of land is largely unrecognised under existing national laws.

As a result, the government frequently allocates indigenous peoples' and local communities' lands for other purposes, including to create large protected areas in forests used by indigenous peoples. These allocations take place with no regard for the rights of affected communities, and without any compensation being offered.

The creation of a protected area has serious and immediate impacts on communities' access to and use of forest resources on which their livelihoods depend. The default position in a protected area is that use and access by local communities is not permitted, although it is possible to negotiate use and access for local communities as a subsequent measure. This generally occurs as part of the development of a management plan – an access and use agreement, or MoU, is negotiated with communities as an annex to the protected area management plan.

However, this treats indigenous use of and access to their ancestral territories as a privilege, not a right. In these negotiations, indigenous peoples are required to offer something to the government in exchange for the government permitting indigenous peoples to use their own customary resources, to which they have been denied access. In addition, in practice, it is often many years between the creation of a protected area and the negotiation of an access agreement, during which time local peoples' access is severely restricted.

Restrictions on access are enforced by eco-guards who patrol national parks and wildlife reserves. Over several decades, many cases have been documented of abuses, including severe physical attacks, by eco-guards against community members seeking to use their customary resources. Abuses do not only extend to instances where indigenous peoples are breaking national laws; the unchecked power of eco-guards means that they are also committed when indigenous peoples are engaged in the few remaining activities they may lawfully undertake.



Case study 1: Ngoyla Wildlife Reserve

The Ngoyla Wildlife Reserve was created in 2014 and extends over 156,000 hectares of forest, originally home to indigenous Baka communities. The MoU outlining the access rights of Baka communities to the Reserve was signed in January 2018 (four years after the creation of the Reserve) and lists the commitments of both the Ministry of Forests and Wildlife (MINFOF) and local Baka communities .

MoU for the Ngoyla Wildlife Reserve

On the exercise of the use rights of the Baka in the context of the development of the Ngoyla Wildlife Reserve
[translated and abridged, full version in French available here]

Commitments of MINFOF (Article 2.1.):

- to permit the Baka access to certain resources within the Reserve (as outlined in annexe);
- to include the Baka in Reserve management activities (ecological monitoring, surveillance, eco-tourism);
- to accept the controlled presence of the Baka within the restricted access zone of the Reserve;
- to guarantee the Baka anonymity in the context of their participation in the various protection and monitoring activities of the Reserve and its peripheral area;
- to strengthen the capacities of the Baka in relation to their participation in Reserve activities;
- to protect the human rights of Baka populations around the Reserve.

Commitments of Baka communities (Article 2.2.):

- to denounce any practices contrary to the requirements of the Reserve’s management plan;
- to obtain permission from MINFOF before taking protected wildlife species for the purposes of cultural rites;
- break off any collaboration with illegal actors (i.e. poachers, illegal loggers, etc) operating within the Reserve and its periphery;
- to collect non-timber forest products in a sustainable manner.

Other key elements of the MOU

- Article 3.2. The implementation of the MoU is to be assured by a monitoring and conflict management committee (*Comité de Suivi et de Gestion de Conflits*), including representatives of both parties.
- Article 3.3. Monitoring-evaluation is to be carried out during a six-monthly coordination meeting.
- Annexes 1 & 2. The MoU outlaws the hunting of class A and B species, both within the community access zones of the Reserve and the area surrounding the Reserve.

In May 2019, 17 months after the MoU’s signature, FPP and Okani held community meetings with representatives from eight Baka communities, out of a total of nine communities¹ who signed the MoU.

When asked directly what they knew about the MoU and its content, only one participant responded that the MoU is “an agreement between the government and Baka that establishes the limits of the areas communities can access and areas they cannot”. Others generally didn’t know what the MoU was, or what it contained (or perhaps were unable to explain it) – although some community members were aware that certain individuals had been invited to Ngoyla to sign “a document”. One community said they had been told that the MoU is “a marriage certificate between the communities and the government with respect to the Reserve”.

In the eight communities we spoke to, nobody had been involved in any activities related to the management of the Reserve, and only one man reported having had some training and involvement in ecotourism and monitoring activities. As for the bi-annual coordination meetings, the communities we spoke to were not aware that any such thing existed. Neither did they know who represented the Baka on the Reserve’s management committee, or indeed, if such a committee had been established. The same can be said of the Reserve’s conflict management mechanism.

Positively, all communities reported that there had been no eco-guard abuses over the past year (whereas in previous years there had been). However, it seems that the main reason for this is that communities have drastically reduced their use of forest areas, out of fear of arrest or physical violence. There was a general impression that their traditional activities have become the focus of a lot of scrutiny since the creation of the Reserve, and that eco-guards tolerate hunting by the Bantu (who can more readily afford to pay bribes) but become very aggressive when they see a Baka with bushmeat.



There are two weights and two measures. These people [eco-guards] live in Ntam where there is bushmeat everywhere, but they do nothing. But as soon as they see a Baka with meat, even a little piece, it becomes war.

Baka community leader

Major cultural events which were traditionally based in the forest have now stopped, or are happening only in villages, with serious implications for the transmission of cultural and ecological knowledge. Communities complained that they do not know how to write applications to MINFOF to request permission to carry out traditional rites. In February 2019, Baka from one community reported that they requested help from a Bantu neighbour to draft an application to MINFOF, asking permission to perform cultural rites in the forest during the initiation of their children, which included the killing of boars and hares. Unfortunately, they haven’t received an answer from MINFOF.

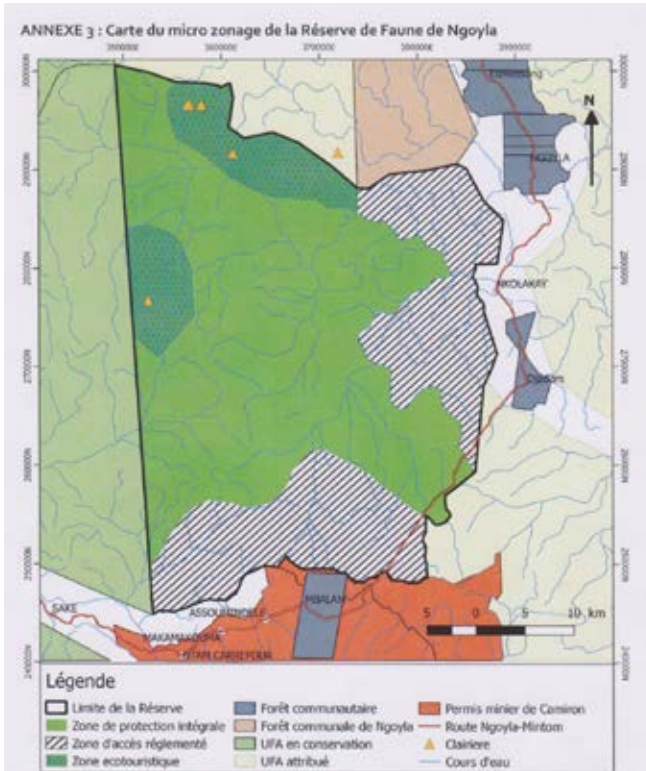
The fact that they must ask for permission before carrying out their traditional activities in the forest was of great concern to the Baka.

¹ With whom FPP and Okani have been working for several years. Baka communities who signed the MoU are Mballam 1, Ndimako, Lélen, Mabam, Djadom, Sé’eh, Assoumindélé, Makamakouma and Ntam.

In terms of community awareness and use of the Reserve’s “restricted access zones” (*zone d’accès réglementé*), four communities were aware of the existence of these authorised areas within the Reserve, but they did not know their location. They reported that Reserve authorities had presented them with maps, but as the community members do not know how to read maps, they were unable to identify the corresponding areas in the forest. Levels of knowledge also varied by gender; while women said they had no idea that authorised zones existed within the Reserve, men generally knew about these areas. One community stated that it was not aware of any authorised zones within the Reserve at all.

All but one community reported that their situation had worsened since the creation of the Reserve. Only one community said that they thought the Reserve is a good thing, because it will enable their children and grandchildren to know about fauna and flora that would otherwise be destroyed by forest exploitation. This community also benefitted the most materially from the creation of the Reserve (a school and housing were built as compensation). However, they also noted negative impacts on their cultural practices, as their fear of eco-guards prevents them from entering the forest.

When asked if they had experienced any changes, positive or negative, since the signing of the MoU (over the past year), all eight communities reported that they had not experienced any change.



Map showing the Reserve’s “restricted access zones” (diagonal stripes), MoU Annexe 3

“Before we used to hunt in the forest without limits using our traditional methods. But today, our resources have shrunk. We spend most of our time in the village.

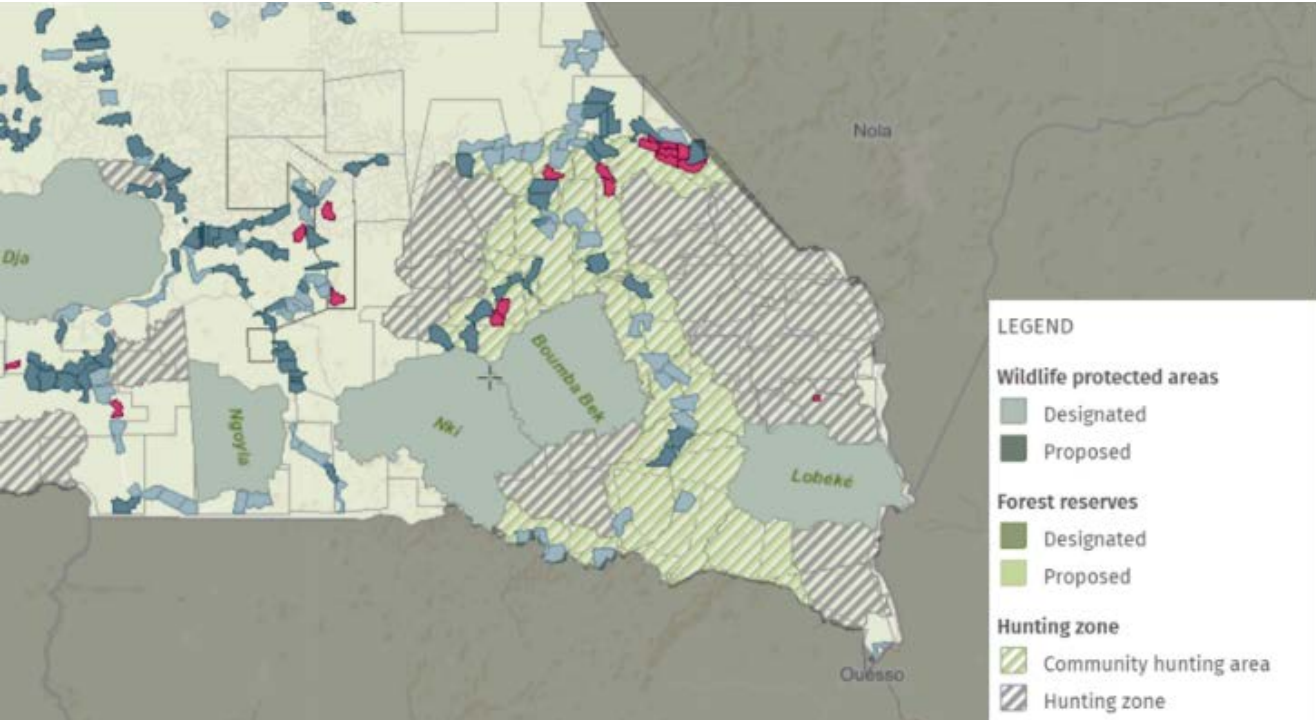
Baka community leader



Case study 2: MoU for Lobeke, Boumba Bek and Nki National Parks

Lobeke National Park (217,800 hectares) was created in 2001; Boumba Bek (238,255 ha) and Nki (309,362 ha) National Parks were created in in 2005. As the map below shows, these three protected areas stretch over a vast portion of Cameroon’s easternmost forest – a region home to the country’s largest Baka population.

The MoU for these three Parks was signed in February 2019, in Bertoua, by the President of ASBABUK (a Baka association local to the region) and the Minister of Forestry and Wildlife, following several years of stop-start negotiations and consultations (in which FPP and Okani were involved at certain points in time).



Map showing a section of protected areas and hunting zones in South and East regions of Cameroon²

² Extracted from <https://cmr.forest-atlas.org/map/>

MoU for Lobeke, Boumba Bek and Nki National Parks

On access to resource areas of the Lobeke, Boumba Bek and Nki National Parks to Baka local communities under ASBABUK
[abridged, full version available here]

Article 1:

This Memorandum of Understanding (MoU) defines the framework regulating access to resource areas within Lobeke, Boumba Bek and Nki National Parks (North and South sectors) by the Baka local communities under the umbrella of the association named ASBABUK.

Article 3: Scope

- 1) This MoU shall focus on the following areas of collaboration:
 - Developing the targeted National Parks and managing their outlying areas;
 - Protecting and promoting individual and collective rights of local communities in matters pertaining to biodiversity conservation;
 - Capacity building.
- 2) The Parties hereby undertake to draw up an action plan each year that shall specify all activities to be undertaken in the targeted Protected Areas and their vicinities in accordance with the terms hereof.

Commitments of ASBABUK (Article 4)

- Comply with the prescriptions of the Management Plan of the targeted National Parks;
- Be involved in the implementation and monitoring of the execution of the activities outlined in action plan referred to (Article 3.2.);
- Shun methods that are contrary to the principles of sustainable use of resources in the targeted National Parks in accordance with the laws in force;
- Report individuals who commit any illegal acts in the National Parks and their vicinities;
- Educate the Baka people to live up to the commitments undertaken for the sustainable management of natural resources of the targeted National Parks;
- Designate their representatives in strategic, technical and communication related activities relating to the management of National Parks in accordance with action plan referred to (Article 3.2.);
- Perform their traditional activities in the targeted National Parks in accordance with the action plan referred to (Article 3.2.).

Commitments of MINFOF (Article 5)

- Give the Baka people under the umbrella of ASBABUK easy access to resource areas in the aforementioned Parks in compliance with the action plan referred to (Article 3.2.);
- Use the manpower and/or expertise of Baka people as much as possible in the implementation of management activities in the targeted National Parks;
- Facilitate the creation of platforms for consultation and dialogue between government authorities, communities, NGOs and other development partners in the management of targeted National Parks;
- Follow up relevant tip-offs by Baka communities as part of the sustainable management of natural resources of targeted National Parks;
- Inform and educate Baka communities on their rights and responsibilities in the conservation project of targeted National Parks;
- Acquaint Baka communities and other stakeholders with instruments regulating the management of targeted National Parks, and keep them informed on the role and responsibilities of each actor involved in the management of the Parks;
- Build the capacities of Baka communities as much as possible in all aspects bordering on their involvement in the management of targeted Protected Areas.

This MoU is surprising (and potentially problematic) in four ways:

- 1 First, just one MoU was signed relating to indigenous peoples' access rights to three distinct protected areas.
- 2 Second, the agreement was signed by just one person (the president of a local association), as opposed to, for example, the Baka chief or representative of each concerned community (as was the case with the Ngoyla MoU).
- 3 Third, the MoU contains no details of the actual use and access arrangements that are being accorded. Instead, the MoU simply states that: "The parties hereby undertake to draw up an action plan each year that shall specify all activities to be undertaken in the targeted Protected Areas and their vicinities" (Article 3.2.); and that ASBABUK should "Perform their traditional activities in the targeted National Parks in accordance with the action plan referred to (Article 3.2.)". This is significantly different to drafts shared with a wider group of Baka and civil society representatives in 2018, in which the details of access and use were already specified.
- 4 Lastly, as described further below, after seeking civil society and community input, the version signed was completely rewritten by MINFOF and bore no resemblance to the document that had been consulted on with community representatives.



We carried out consultations with the Baka association ASBABUK and with 10 Baka communities in the vicinity of the three Parks in April and June 2019 (two and four months after the signature of the MoU). A total of 260 people attended these meetings. Since only four months had passed since its signing, it is unreasonable to assess the level of implementation or effectiveness of the MoU; however, we were interested to ascertain the level of local understanding and ownership of the MoU process itself.

Our discussions focused first on the Baka communities' experiences of the protected areas, before turning to the MoU process.

Restricted forest access for over more than a decade has significantly impacted the ability of these communities to carry out their traditional livelihood activities based around hunting and gathering. Women and men report resorting to working as day labourers on Bantu neighbours' farms for pitiful income, or alcohol, a situation which the Baka women interviewed likened to slavery. Young men have sought work in local gold mines; however they reported frequent harassment, threats and abuse from eco-guards, who sometimes confiscate their earnings on the pretext that they don't have ID cards to present when asked.

As the map on page 14 shows, forest land around the Parks is not free for local access either, as commercial (ZIC) and community (ZICGC) hunting zones are leased out to international trophy hunting safari operators. These zones are guarded, and access is restricted during hunting seasons; however, this restriction increasingly extends even outside hunting seasons and is enforced by anti-poaching patrols. The Baka reported that there is a high risk of being hit by stray bullets or being confused with game if they venture into the forest (which is just five kilometres from the road) during hunting periods; and that fishing and foraging are increasingly compromised in off-seasons, as guards reason that the same resources the Baka live on are needed by the animals which are trophy hunted.

Fear of entering the forest has impacted the Baka's cultural practices. Women reported that *Yeli*, their traditional initiation ceremony, has disappeared since the creation of the Parks. The same was true of *Moulongo* and *Maka* – practices that aimed to initiate and introduce Baka youths to hunting, honey gathering, traditional medicine and forest spiritual knowledge (such as *jengi*). As conservation actors are alert to these practices, Baka communities reported being obliged to carry them out without killing animals (often class A or B protected species), which for them rendered the practices meaningless.

Traditional medicine is still practiced; however, certain trees which are important for remedies are found deep within protected areas and have not been accessible for many years. As hunter gatherers traditionally teach their children in the forest, using a learning-by-doing approach,³ there is limited space to enact and impart their knowledge, with the impacts on the next generation already visible, e.g. reduced knowledge of medicinal plants and hunting techniques. As such, Baka youths find themselves in a particularly challenging situation: disconnected from their traditions, yet not accepted by the development around them. Levels of alcoholism are high.

Threats and violence by eco-guards (past and present) mean that many Baka are afraid to enter the forest to carry out their traditional livelihood activities (e.g. collecting non-timber forest products and hunting). Many communities reported that nobody risks entering these protected areas due to fear of repression. It was reported that women are still regularly victims of threats and physical aggression by eco-guards when they go fishing.

³ For example, see: <https://www.nature.com/articles/s41598-019-47515-8>

In more remote villages, the Baka communities reported that they continue their traditional activities within the Parks (fishing, hunting and collection of non-timber forest products); however, this had nothing to do with the recently signed MoU, which they knew nothing about. According to other communities, all access is prohibited to the Parks and they knew of no arrangement that could afford them access.

When asked what they knew about the MoU process and whether they felt informed, communities were incredulous and claimed to know nothing of the MoU (some not even knowing what “MoU” meant). Only certain members of ASBABUK – a small Baka association that is still learning about these processes – grasped the process that led to the signing of the agreement. Despite having member communities dotted around each of the three Parks, communities consulted felt that ASBABUK did not have the mandate to represent them before the Administration on matters related to the management of National Parks and forests (something that ASBABUK itself has never claimed to have, but that it has been positioned to take on).

ASBABUK reported that it had not been able to consult with communities prior to signing the MoU, or to report back to communities concerned after external meetings (including the signing ceremony), due to lack of funds, and the fact that they do not have a copy of the signed MoU in their possession [as of June 2019] to present or distribute.

As ASBABUK had no independent source of funding for its activities and given that distances between communities in this territory are vast, and connected by roads which are often impassable during the rains, it is unsurprising that ASBABUK was unable to consult with affected communities. Neither could this reasonably have been expected of them by the Administration, or indeed by anybody familiar with the association’s functioning and the terrain in question.

In terms of the content of the MoU, ASBABUK and other community representatives, civil society organisations and NGOs (including Okani, FPP and WWF), and government representatives were invited to a meeting in Bertoua in August 2018 to discuss a late draft of the MoU. Community representatives worked into the night on a draft text, in a process which ostensibly sought to take into account the needs and priorities of Baka communities. It should be noted however, that this version of the MoU was re-written after submission to MINFOF, following the recommendations of an information-gathering mission to the zone conducted by MINFOF in December 2018. The MoU that was signed in February 2019 contained none of the specifics that the communities had brought to the table. When asked how these changes came about, and what ASBABUK’s perspective on this was, ASBABUK reported that they had not been informed of any changes to the MoU since the version they had worked on in Bertoua. Not possessing a copy of the signed MoU, they were unable to comment on the changes that had been made (i.e. the version they signed).

It seems (from discussions with its members) that ASBABUK’s motivation to participate in the process was driven by its desire to see an MoU finally come into effect (after over a decade with no formal access agreements in place) which would allow the Baka to carry out their activities in the forest as before. It remains unclear, however, whether this MoU, and the action plans that will be drafted for each Park to set out the details of Baka resource use and access, will afford such changes on the ground. It is also unclear whether ASBABUK will continue to negotiate the details in the action plans on behalf of all Baka communities in the zone.

Since this research was carried out, a community consultation exercise to inform local Baka communities of the MoU and its contents has been carried out by WWF and ASBABUK.



Conclusions

In both cases we note with regret that past and present eco-guard abuses have left Baka communities fearful of entering the forest to carry out their traditional livelihood and cultural practices. This change in behaviour, created out of fear of brutality at the hands of eco-guards, can give the false impression that the situation with respect to protected areas and human rights abuses is improving.

The fact that Baka communities now spend most of their time in villages, disconnected from the forest, is having a profound effect on inter-generational transmission of cultural and ecological knowledge, on their culture and livelihoods.

Our research around the Ngoyla Wildlife Reserve has shown that 17 months after the signing of the MoU, indigenous communities remain largely unaware of the agreement and its content. This has led to confusion on the ground, as to whether they are allowed in the Reserve or not, and if so where and for what. We also note that MINFOF’s own level of implementation and follow up on the agreement has been insufficient. Our research suggests that it is currently failing each of its commitments under the MoU Articles 2.1, 3.2 and 3.3, relating to implementation and monitoring of the accord. In terms of the content of the MoU itself – even leaving aside its deficiencies in terms of compliance with international human rights law – several of the obligations proposed for the Baka are not appropriate, including the obligation to report illegal activities with which they have no relationship, and which could put them at risk, potentially very serious risk. It is also culturally inappropriate to oblige non-literate indigenous communities to submit written requests to MINFOF in order to perform traditional rites (and of course, entirely unjust that communities should have to apply for permits to conduct traditional rites on their own lands).

It is too soon to analyse the implementation of the MoU for Lobeke, Boumba Bek and Nki National Parks, and it remains to be seen how the action plans will be negotiated and what they will contain. However, both case studies highlight some of the key issues that arise from the way in which government and conservation actors engage with indigenous communities.

For the Ngoyla Reserve, uneducated and isolated local and indigenous communities were left to negotiate continuing rights to use and access their own lands and resources, with very limited bargaining power and in a situation where many felt threatened by eco-guards. This was clearly not an environment in which any free, prior and informed consent could be obtained.

For Lobeke, Boumba Bek and Nki National Parks, presumably in order to facilitate the consultation process and signing procedure for the government, an under-resourced indigenous association has been called upon to negotiate the access agreements for the entire Baka population (covering some 765,417 hectares of protected areas), which they have no real mandate to do.

For both agreements, access and use is being treated as a privilege being granted by the government – which requires Baka communities to give something in return – rather than as a *right* which the government’s creation of these protected areas has systematically violated, and which must be remedied. This ultimately reflects the broader problem that these MoUs do not remedy the fundamental ongoing violation of human rights, which is the non-recognition and non-respect for indigenous peoples’ customary lands, territories and natural resources. They are merely a patch which seeks to give back to indigenous peoples – under onerous conditions – a small part of what they have forcefully, and unlawfully, been deprived of.

We are also concerned about the formal way in which signatures are obtained from Baka communities. The signing of a final MoU is done through the invitation of Baka “chiefs” or “leaders”, to a town removed from their communities, where they attend a formal ceremony conducted in French (a language which many Baka don’t understand or speak well), along with many members of the Administration, and are invited to sign a document on behalf of their communities. This practice implies a significant risk that the consent process is not, in reality, free. Often communities themselves do not have access to the latest version of the document and therefore cannot review it before signing. In addition, in a highly hierarchical society and in the presence of high-level administrative officials, Baka representatives attending the ceremonies can feel under pressure to sign the document, even if they do not agree with or understand its content.

In order for the adoption of an MoU to have the potential to improve the situation of Baka communities living in and around Cameroon’s protected areas, it is imperative that both its content, and the process of its adoption, respect their internationally and nationally recognised rights in practice.

Recommendations for the state

1.

The MoU should recognise indigenous and local communities’ lands have been wrongfully expropriated for the protected area. Rather than Baka having to negotiate for their rights, the State should open negotiations with communities to seek their free, prior and informed consent to the continued operation of protected areas that affect them, and negotiate the conditions under which Baka communities would accept the continued existence of such protected areas. The objective of the MoU must therefore be to recognise pre-existing ownership, and to document and reinstate pre-existing rights of access, as well as to impose obligations on MINFOF in return for the communities’ agreement (if given). Obligations on MINFOF should include providing compensation for any continued restrictions (and for loss of property rights), and for periods when access was denied;
2.

As a matter of principle, there should be a presumption that any activity carried out by the Baka within a protected area is permitted, unless explicitly prohibited in the text. This should be clearly detailed in the MoU itself, and not dependent on secondary annual activity planning documents. Otherwise, both parties remain uncertain about the Baka’s rights and the limits of these rights. Moreover, this margin of interpretation increases the risk that some agents of conservation may abuse their power;
3.

An independent complaints mechanism should be developed and included in an MoU before it is signed. Otherwise, the implementation of a complaints mechanism may well be subject to substantial delay (if it eventuates at all), denying communities access to remedy for any breaches or continuing problems;
4.

A community decision-making protocol should be developed by each and every community prior to any signature of such a document. Respect for this protocol, to be included in annexe to MoUs, would condition the validity of the community’s agreement. All documents showing community adhesion to an MoU should be signed at an open meeting that takes place in the affected community, and in the presence of independent observers;
5.

MINFOF should have the obligation to transmit key documents directly to communities, to ensure transparency, knowledge of their rights and obligations, and access to justice when necessary.



Recommendations for conservation actors

1.

Ensure adequate funds and time, and engage appropriate staff, for consultations with communities in projects that they manage or participate in, noting that consultations with isolated, often non-literate communities can be expensive, and require repeat visits and long-term accompaniment;
2.

Improve internal expertise, both at the international and national levels, on human rights requirements and participatory community engagement;
3.

Adopt a policy of “prima facie support for community propositions”, by which conservation actors should as a general principle support the adoption of community propositions in relation to official government standards and documents. Where it has good (conservation) reasons for not doing so, conservation actors may decline to support a community’s position, but its reasons should be discussed and explained in detail to communities or their representatives;
4.

Be honest about the human rights flaws that exist in community-government negotiation processes, as well as the human rights violations that the creation of protected areas, and other conservation activities, have caused in the past. An important part of remedying human rights violations is acknowledging that they have occurred. On the road to mending these, it is fine to highlight mixed successes, but these should not be presented as unmitigated successes – continuing human rights concerns and areas for further improvement should be pointed out.
5.

Implement standards for consultation activities, and oversight, so that consultation activities which are “outsourced” to other NGOs are subject to review, to ensure standards are complied with. This should include specific measures for the inclusion of indigenous women in consultations;
6.

Support the co-management of protected areas by indigenous peoples and the administration, as well as the creation of indigenous-controlled conservation areas.



Appendix: Methodology

Review of key texts

- MoU for Ngoyla Wildlife Reserve
- MoU for Lobeke, Boumba Bek and Nki
- Okani trip report of MoU meeting in Bertoua, 21 and 22 August 2018 (unpublished)
- MINFOF trip report (26-30 December 2018), entitled: *Rapport de la mission de reconnaissance et d'évaluation des activités de l'association Sanguia Baka Buma'a Kpode (ASBABUK), en prélude au processus de formalisation de la collaboration avec le Ministre des Forêts et de la Faune* (unpublished)

Field research

Consultations were carried out among 18 Baka communities and one Baka association (ASBABUK), living around four protected areas, who had signed an MoU in the past four to 17 months. Discussions were guided by a questionnaire, adapted for each case study.

Ngoyla Wildlife Reserve, MoU signed 16 January 2018

Community meetings were held by FPP and Okani with eight Baka communities, out of a total of nine communities who signed the MoU, between 17 and 19 May 2019 (17 months after its signature). A total of 108 people participated.

Lobeke, Boumba Bek and Nki National Parks, MoU signed 26 February 2019

FPP and Okani interviewed members of Baka association ASBABUK (with whom we have worked for several years). We also held community consultations with 10 Baka communities in the vicinity of the three Parks. Community meetings were held between 24 and 29 April 2019 and 7 to 10 June 2019. A total of 260 people participated.

| MoU | Protected Area | Number of communities consulted | Participants | | | MoU signatories (Baka) |
|--------------------------|--------------------------|---------------------------------|--------------|-----|-------|------------------------|
| | | | M | F | Total | |
| Ngoyla | Ngoyla Wildlife Reserve | 8 | 60 | 48 | 108 | 9 |
| Lobeke, Boumba Bek & Nki | Lobeke National Park | 6 | 154 | 106 | 260 | 1 |
| | Boumba Bek National Park | 3 | | | | |
| | Nki National Park | 1 | | | | |
| Total | | 18 | 214 | 154 | 368 | |





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