The right to citizenship: Challenges for forest indigenous peoples in Cameroon
The right to citizenship: Challenges for forest indigenous peoples in Cameroon

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The Gbabandi platform is the national platform of indigenous forest peoples’ organisations in Cameroon. Gbabandi was established in 2016 by organisations of indigenous peoples working with more than 50 indigenous Baka and Bayegi communities, to better represent the views of indigenous forest peoples. The platform is registered under organisation number 00001340 / RDA / J06 / SAAJP / BAPP in Cameroon.

Acronyms

BBK Bouma Bo K’pode (indigenous organisation)

CRC United Nations Convention on the Rights of the Child

ILO International Labour Organization

MINATD Ministry of Territorial Administration and Decentralisation

MINEPAT Ministry of Economy, Planning and Regional Development

NGO Non-governmental organisation

NIC National Identity Card

SDG Sustainable Development Goal

UN United Nations

UNDRIP United Nations Declaration on the Rights of Indigenous Peoples

UPR Universal Periodic Review

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The right to have citizenship recognised and registered - a key element of the right to a nationality, which is a human right - is not only a right in and of itself, it also forms the basis to obtaining other civil, economic, social and cultural rights. In Cameroon for instance, at least one of the key documents for proving one's nationality – the birth certificate, the identity card and the electoral card – is required in order to be able to enrol a child to school, enjoy freedom of movement in the country, vote, start legal proceedings, apply for jobs and other similarly key activities.

It has however long been recognised that many members of indigenous forest communities in Cameroon do not hold any document proving their citizenship, and are consequently disproportionately unable to enjoy other legal rights.

Mais il est difficile de comprendre réellement l'étendue et la nature It is however difficult to really grasp the extent and exact nature of the problem, due to a lack of information directly linked to the issue, in particular a lack of disaggregated data collected or published by the Cameroonian government.

With data collected in 40 indigenous forest communities – around 24% of the estimated indigenous forest population – using the Indigenous Navigator tools, this study attempts to fill these gaps. The data collected gives an overview of how communities themselves assess the (collective) state of a number of human rights issues, with a number of concrete examples.

This report presents the results of data collection focusing on the state of citizenship, and what causes the lack of access to it. Results showed that:

- approximately 69 % of indigenous children aged 5 and under have not been registered at birth – when the national average is 31%;
- nearly half the adults (and a few more women than men) do not hold valid documents to prove their citizenship.

A number of reasons were given to explain the lack of access to citizenship. Among the most important were: the distances indigenous peoples have to travel to reach civil registration offices (to register a birth or establish a national identity card); the costs (direct and indirect) associated with obtaining these documents; and the complexity of the procedures to follow (especially for those whose birth was not registered and thus have to start legal proceedings to get a birth certificate). Low literacy rates and a lack of knowledge of the role and function of citizenship documents among indigenous communities are other aggravating factors.

It is in the interest of all citizens of Cameroon to include indigenous peoples as active and legitimate participants in the future of the country. The State of Cameroon has the obligation to ensure that all its citizens have access to documents proving their citizenship. Recognising this, the government has made a priority of Target 16.9 of the Sustainable Development Goals, which aims to provide a legal identity for all, including free birth registrations, by 2030. This report presents some recommendations for its implementation for indigenous forest peoples in Cameroon, and the Gbabandi platform looks forward to collaborating with the government in order to make citizenship for all a reality.
Citizenship – the situation of indigenous forest peoples in Cameroon

Difficulties and obstacles to obtaining citizenship documents

• Most births take place in the forest and not hospitals
• Long distances to the civil status centres to register births
• High levels of illiteracy among indigenous forest peoples
• Complex procedures for obtaining birth certificates, national identity cards and voting cards
• Unaffordable costs for registering births and obtaining documents (both direct and indirect costs for transport etc)
• Lack of awareness and information among parents
• Discriminatory treatment
• Complexity of obtaining birth certificates for adults

Impacts of lack of citizenship

• Limited possibilities to travel outside of the community
• Frequent harassment and intimidation
• No ability to vote
• No ability to report a crime
• No formal employment
• Limited ability to register for schooling
• No ability to register for a land title
• No ability to register for obtaining water, electricity and other services
• No ability to run for political office

35% of indigenous people cannot vote in elections.
47% of adults do not hold a valid citizenship document (higher in women).
69% of children under 5 years of age have not had their births registered.

Recommendations for improving access to citizenship

1. Raise awareness among indigenous communities about the importance of birth declarations, birth certificates and national identity cards
2. Train officers and secretaries of the civil status centres on how to better accommodate indigenous peoples in birth registrations
3. Create new secondary civil status centres close to communities
4. Extend the deadline to register births for children born outside of hospitals
5. Organise three-monthly caravans to collect birth declarations and distribute birth certificates among indigenous communities
6. Abolish fees associated with obtaining birth certificates
7. Train indigenous leaders as agents of the civil status centres to allow them to support the collection of birth declarations in communities
8. Develop special, simplified and free procedures to establish birth certificates and national identity cards for adults who have never had them
9. Organise a registration campaign for indigenous adults
1. Introduction

The right to citizenship – or the right to a nationality – is a recognised fundamental human right, a key element of human dignity and a pivotal part of the responsibilities of all States in terms of human rights. Beyond its intrinsic value, its significant importance also comes from the fact that a citizenship is key to being able to enjoy a vast array of other civil, political, economic, social and cultural human rights. And while “holding documentation attesting nationality is not imperative to enjoying a nationality”, it is also true that “the ability to produce or procure evidence of nationality can be critical, in practice, to ensuring that a particular individual is – and continues to be – considered as a national by the State concerned.”

In many different systems across the world, the ability to prove one’s citizenship can be a critical precondition to obtaining recognition of one’s legal person (and thus to having access to justice) to having access to public services (including health and education), to freedom of movement or to access to jobs, among other examples of the many human rights it is impossible to enjoy without having citizenship.

It is because of this transcendental importance of citizenship that the right to a nationality is so widely recognised in international and regional human rights frameworks. The right to a nationality appears first in paragraph (1) of Article 15 of the Universal Declaration of Human Rights, which states that “Everyone has the right to a nationality”.

It is reaffirmed in the International Covenant on Civil and Political Rights (article 24), in the International Convention on the Elimination of All Forms of Racial Discrimination (article 5(c)(ii)), the International Convention on the Rights of the Child (article 7) and the African Charter on the Rights and Welfare of the Child (article 6), amongst others. Cameroon has ratified the aforementioned human rights frameworks. The right to a nationality appears first in paragraph (1) of Article 15 of the Universal Declaration of Human Rights, which states that “Everyone has the right to a nationality”. It is also reaffirmed in the International Covenant on Civil and Political Rights (article 24), in the International Convention on the Elimination of All Forms of Racial Discrimination (article 5(c)(ii)), the International Convention on the Rights of the Child (article 7) and the African Charter on the Rights and Welfare of the Child (article 6), amongst others.

In Cameroon with regard to the issue of citizenship, it then notes the different categories into account, and focuses in particular on how the right to a nationality is respected for the forest indigenous peoples of Cameroon.

Working towards achieving the SDGs, and given the lack of official data on the current situation of indigenous peoples in Cameroon, in February and July 2018, as part of the Indigenous Navigator project, Gbabandi collected data with the communities themselves. This work involved 40 Baka and Bagyell communities located in a 700 km long rainforest area, running from the east of the country to its western coast. These communities represent approximately 25% of the total estimated Baka population and 19% of the total estimated Bagyell population (for more detail see Section 8 p.28 on Methods).

Taking into account the data collected directly by Indigenous peoples, this report presents an analysis of the legal framework of Cameroon with regard to the issue of citizenship. It then notes the difficulties and obstacles forest peoples face in accessing their right to citizenship, and the impacts of a lack of citizenship on their daily lives, in order finally to make recommendations to decision-makers.

Indigenous forest peoples – the group on which this report focuses – make up one of the two main groups of indigenous peoples officially recognised in Cameroon. They include the Baka, Bagyell, Bakola and Bedzang peoples – also given the derogatory name of “pygmies” – who live mostly in the forests of the South East and the Centre, and are traditionally hunter-gatherers.

The other main group is the Mbomo Indigenous pastoralist people, who live mostly in the savanna areas in the East, North West and Adamawa. A third group, the Kirdi Indigenous mountain people, live in the mountains in the north of the country.

It is generally difficult to get up-to-date and accurate statistics on the population of forest indigenous peoples in Cameroon. The data tends to be unreliable because official censuses by the government do not publish disaggregated information for each ethnic group. The total population of hunter-gatherers is nevertheless estimated somewhere between 50,000 and 100,000 (although the real number could be much higher) (IWGIA 2018). Despite the flagrant lack of representation of Indigenous peoples in the political arena in Cameroon, since 2016 the Baka, Bagyell and Bedzang peoples have joined forces to represent themselves with a national platform of Cameroon’s Indigenous forest peoples’ organisations, under the name of “Gbabandi.” Gbabandi has identified access to citizenship for indigenous peoples as an advocacy priority for 2018, precisely because the formal recognition of their citizenship by the State (materialised through the issuance of birth certificates and national identity cards) is essential for the realisation of a multitude of other rights.

It is because of this transcendental importance of citizenship that the right to a nationality is so widely recognised in international and regional human rights frameworks. The right to a nationality appears first in paragraph (1) of Article 15 of the Universal Declaration of Human Rights, which states that “Everyone has the right to a nationality”. It is also reaffirmed in the International Covenant on Civil and Political Rights (article 24), in the International Convention on the Elimination of All Forms of Racial Discrimination (article 5(c)(ii)), the International Convention on the Rights of the Child (article 7) and the African Charter on the Rights and Welfare of the Child (article 6), amongst others. Cameroon has ratified the aforementioned human rights frameworks. The right to a nationality appears first in paragraph (1) of Article 15 of the Universal Declaration of Human Rights, which states that “Everyone has the right to a nationality”. It is also reaffirmed in the International Covenant on Civil and Political Rights (article 24), in the International Convention on the Elimination of All Forms of Racial Discrimination (article 5(c)(ii)), the International Convention on the Rights of the Child (article 7) and the African Charter on the Rights and Welfare of the Child (article 6), amongst others. Cameroon has ratified the aforementioned human rights frameworks. The right to a nationality appears first in paragraph (1) of Article 15 of the Universal Declaration of Human Rights, which states that “Everyone has the right to a nationality”.

However, and despite this fundamental importance of citizenship, it is far from being a reality for everyone. This is why Target 16.9 has been included to the Sustainable Development Goal (SDG) 16 on access to justice, in order to specifically require that States provide a legal identity to individuals. It is also crucial to ascertain how and for whom the right to a nationality is implemented.

Indeed, although like any other human right the right to a nationality should be applied in compliance with the principle of non-discrimination, for some vulnerable or marginalised groups – such as women, children and Indigenous peoples – it is slow to be implemented. This study takes these different categories into account, and focuses in particular on how the right to a nationality is respected for the forest indigenous peoples of Cameroon.

1 Human rights and arbitrary deprivation of nationality: Report of the Secretary General, 19 December 2010, UN No. A / HRC / 25/20, II 35 and 36
2 Meaning ‘termite mound’ in the Baka language.
3 Indigenous Navigator is a project and a series of tools developed for and by indigenous peoples to systematically monitor the level of recognition and implementation of their rights (Indigenous Navigator 2018c). To learn more: https://www.indigenoussite.com/index.php/en/
2. Recommendations

On the basis of the different enquiries made and studies carried out, this report makes the following recommendations for this report:

To the Cameroon government:

1. The State should collect and publish disaggregated data on Indigenous Peoples, including specifically the status of their citizenship, in order to better understand issues linked to access to citizenship for indigenous peoples and to be able to address them.

2. That the State takes measures to facilitate the registration of births of indigenous children by:
   a. creating additional secondary civil registration offices near indigenous communities in forest areas;
   b. extending the deadline for the registration of a child to 12 months after birth for children born outside a hospital;
   c. organising delegations to indigenous communities to collect birth declarations and deliver birth certificates every 3 months;
   d. waiving the fees for issuing birth certificates for indigenous peoples;
   e. training indigenous leaders to carry out the functions of civil secretaries and naming them civil registrars, in order to facilitate the collection of birth declarations in indigenous communities;
   f. implementing any other measure identified by consulting the communities affected.

3. In order to address the general lack of birth certificates and national identity cards within indigenous communities, the State should take appropriate measures to facilitate the registration of children and adults who were not registered at birth, including those who have never had a birth certificate or a national identity card, by:
   a. developing special procedures, simplified and free, that would allow the issuance of birth certificates and national identity cards (NIC) to those who have never had them;
   b. organising a registration campaign for indigenous adults.

4. The State should carry out systematic awareness raising in indigenous communities on the importance of birth registration and the establishment of birth certificates and NICs.

5. The State should organise capacity building workshops for civil officials and secretaries on how to specifically support indigenous peoples through the birth registration.

6. The State should ensure mobile courts are regularly held in areas that are not served by judicial authorities, to issue supplementary judgements in lieu of birth certificates.

To indigenous communities:

1. Communities should express an interest in declaring the birth of their children;

2. Communities should self-organise by making their community leaders responsible for the registration of births;

3. Indigenous communities should understand the need to have the two vital official documents established for them to ensure they can enjoy all their human rights.

To NGOs, donors and other development actors:

1. NGOs and other development actors working with communities should raise their awareness on the importance of registering births and obtaining other proof of their citizenship;

2. These actors develop training and awareness tools adapted for indigenous communities;

3. Donors should give financial and technical backing to NGOs working towards those aims and to the authorities, in order for more indigenous peoples to have proof of citizenship.
3. Legal framework

Birth certificates

As explained in various international texts, birth registration is the key to having citizenship. In Cameroon, this is mainly governed by Order No. 81/002 of 29 June 1981, which sets out how the civil registry works and details various provisions on the status of natural persons. Article 4 of this Order states that:

Any Cameroonian citizen residing in Cameroon must, under penalty of the sanctions set out in Article 370 of the Penal Code, declare to a locally competent registration officer any births, deaths and marriages that relate to them, involve them or have been performed in Cameroon.

Births must be declared in a civil registration office. In rural areas, these centres are located in the mayor’s office, and the ‘civil registrars’ (who have the right to draw up and certify the documents in question) are the mayor and their deputies. Per Order No. 81/002 any mayoral office automatically becomes a civil registration office, but (in accordance with Article 10 (4) of the Order) the Minister in charge of local and regional authorities may also set up secondary civil registration offices when this is necessary due to population density or access.

Each civil registration office has a civil registry in which births are recorded. The birth of a child is declared before an authorised civil registrar. If a child was born in hospital, the hospital where they were born must declare the birth within 30 days. In all other cases (or if the hospital fails to do it), parents must make the declaration within 60 days.

If these deadlines are not respected, a request can be made to the Public Prosecutor within six months after delivery, and the birth can still be declared. After this six-month period, any other registration or declaration is considered irregular or will simply not be received, in which case obtaining a birth certificate requires a reinstatement procedure in court (which is obviously more expensive and complicated).

It should be noted that although the declaration of birth (a process which is free and only requires the registration of a birth in the civil registry) is a prerequisite to the issuance of a birth certificate, a birth certificate is not automatically produced as a result. A birth certificate will indeed only be issued after a number of checks have been carried out by the authorities (which may take a few days to a few weeks after the birth declaration), and upon payment of appropriate fees (approx. 5,000 FCFA).

Although setting up secondary civil registration offices aims to facilitate access to vital registration services for rural populations, the isolation and difficulty of accessing certain areas remains a major obstacle to the development of these centres. Many indigenous forest communities who traditionally live in the country’s most isolated forest areas still do not have ready access to registration facilities. This is due not only to physical obstacles (the travel itself, because it must happen less than two months after the baby’s birth, can be difficult for the mother) but also to the costs associated (especially for a stay of anything from a few days to several weeks to wait for the birth certificate). In some cases, the mayor can designate one (or more) people whose role is to facilitate the registration of births in communities located far from the civil registration offices, to avoid these having to travel. However, this is not the case everywhere, and there are still communities for whom access remains a challenge. Without a birth certificate, it is also difficult to access other papers to facilitate one’s nationality, as detailed later.

National Identity card

The national identity card (NIC) is, as its name suggests, a form of ID that all Cameroon citizens 18 and over must possess. Law No. 90/042 of 19 December 1990 introduced the national identity card and sets out the rules, together with its related implementation decree. Decree No. 2016/375 of 4 August 2016 in particular sets out the details and process for issuing and delivering national identity cards. In general, the (direct) costs associated with obtaining a national identity card total 8,000 FCFA.

Article 6 of the decree in question states that a birth certificate (or judgment in lieu) is (among other documents) necessary to issue a national identity card on the first request. Not being in possession of a birth certificate can thus constitute a major obstacle for, and even prevent, a child to obtain a NIC when they reach the right age.

Some of the consequences of not having identification documents

Not having any form of ID, in particular no birth certificate or NIC, can have several consequences, some of which are presented below.

In Cameroon, school enrolment (primary and secondary) and various exams, official competitions, as well as running for political office all require production of a birth certificate. Without it, it is impossible to study or to hold a position in public, administrative or elected office, or sometimes even to apply for roles within private companies. Nominations for posts such as municipal councilors or deputies also require production of a birth certificate, among other documents.

The application package to enter all civil service exams (ENAM, EMIA, Police, Gendarmerie, etc.) (public, quasi-public or private administration) requires as a condition of admissibility a certified copy of the birth certificate to be submitted with a number of other documents. The certified copy serves as the basis for all other official documents (NIC, passport, etc.).

The NIC is the main form of identification when citizens reach the age of criminal responsibility (18 years old), and is routinely used for identification (roadside checks, access to the justice system and other administrative services, etc.). The NIC like the birth certificate is used as a main piece of supporting evidence in order to issue a number of other official documents, including the electoral card. However, unlike the birth certificate, not being able to present a NIC on request can result in a criminal conviction.

4. Articles 31 and 32 of Law No. 2015/08 of 6 May 2015, which amended and supplemented certain provisions of Order No. 81/002 of 29 June 1981 on the structure of the civil registration system and various provisions relating to the state of natural persons.
5. Decree No. 2016/375 of 4 August 2016 setting out the characteristics and procedures to establish and issue the National Identity Card, Article 5 (2).
6. Articles 85 and 102 of the Law N° 2012/001 of 19 April 2012 on the electoral code
7. Article 5 of Law No. 90/042 of 19 December 1990 introducing a national identity card
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Article 15(1) of the Universal Declaration of Human Rights: Everyone has the right to a nationality.

Article 24 of the International Covenant on Civil and Political Rights:

(1) Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

(2) Every child shall be registered immediately after birth and shall have a name.

(3) Every child has the right to acquire a nationality.

Article 7(1) of the UN Convention on the Rights of the Child: The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

Article 6 of the UN Declaration on the Rights of Indigenous Peoples: Every indigenous individual has the right to a nationality.

Box 2: Commitments made by the State with regard to human rights

As part of the Universal periodic review, the State of Cameroon has accepted among others the following recommendations:

- Enforce measures aimed to promote the rights of the indigenous peoples of the country, in particular with regard to their access to citizenship, land, justice and an education (131.168).

- Launch a universal strategy for the registration of births in order to improve the country’s rate of birth registrations (131.91).

Source: The Danish Institute for Human Rights, 2018

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Box 1

Article 15(1) of the Universal Declaration of Human Rights: Everyone has the right to a nationality.

Article 24 of the International Covenant on Civil and Political Rights:

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**Box 3: Guidelines of the Committee on the Rights of the Child on the registration of indigenous births**

In its General Comment on the extent to which the UN Convention on the Rights of the Child is applied to indigenous children, the Committee on the Rights of the Child has given specific guidelines on the obligations of Member States when it comes to the registration of indigenous births. Specifically, the Committee made the following observations:

41. States parties are obliged to ensure that all children are registered immediately after birth and that they acquire a nationality. Birth registration should be free and universally accessible. The Committee is concerned that indigenous children, to a greater extent than non-indigenous children, remain without birth registration and at a higher risk of being stateless.

42. Therefore, States parties should take special measures in order to ensure that indigenous children, including those living in remote areas, are duly registered. Such special measures, to be agreed following consultation with the communities concerned, may include mobile units, periodic birth registration campaigns or the designation of birth registration offices within indigenous communities to ensure accessibility.

43. States parties should ensure that indigenous communities are informed about the importance of birth registration and of the negative implications of its absence on the enjoyment of other rights for non-registered children. States parties should ensure that information to this effect is available to indigenous communities in their own languages and that public awareness campaigns are undertaken in consultation with the communities concerned.

44. Furthermore, taking into account articles 8 and 30 of the Convention, States parties should ensure that indigenous children may receive indigenous names of their parents’ choice in accordance with their cultural traditions and the right to preserve his or her identity. States parties should put in place national legislation that provides indigenous parents with the possibility of selecting the name of their preference for their children.

45. The Committee draws the attention of States to article 8 (2) of the Convention which affirms that a child who has been illegally deprived of some or all of the elements of his or her identity shall be provided with appropriate assistance and protection in order to re-establish speedily his or her identity. The Committee encourages States parties to bear in mind article 8 of the United Nations Declaration on the Rights of Indigenous peoples which sets out that effective mechanisms should be provided for prevention of, and redress for, any action which deprives indigenous peoples, including children, of their ethnic identities.

Source: Committee on the Rights of the Child, 2009

**Implementation of the 2030 Agenda for Sustainable Development**

In 2015, all UN Member States adopted 17 Sustainable Development Goals (SDG) to reach by 2030 to “leave no one behind”. SDG 16 is particularly relevant to the right to citizenship (ONU 2018a):

**Target 16.9: By 2030, provide legal identity for all, including birth registration.**

For everyone to be allowed access to justice and to have institutions that are inclusive at all levels, it is a prerequisite that everyone should have access to citizenship documents. One of the targets of SDG16 is therefore the registration of all births:

**SDG16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.**

To make the implementation of the 2030 Agenda possible in Cameroon, the Government of Cameroon has started a process of contextualisation and inclusive local interpretation of the SDG for the country, led by the Ministry of Economy, Planning and Development (MINEPAT Ministère de l’économie, de la planification et de l’aménagement du territoire) with support from the UN. This process has started the identification of priority SDG for Cameroon (UN Cameroon 2018).
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4. Current situation

The lack of reliable disaggregated data on the status of citizenship specific to the situation of indigenous peoples remains a challenge. As part of the effort to understand the SDGs in the context of the country as a whole, the Government carried out an analysis of their indicators to monitor implementation was carried out, including the percentage of children under 5 whose birth was registered. In 2016, in relation with Target 16.9, it was estimated that 66.1% of children under 5 in Cameroon were registered at birth. In parallel, and in order to get a better idea of the status of indigenous forest peoples’ citizenship, Gbabandi led data collection missions in February and July 2018. Using Indigenous Navigator tools (see also Section 8 on Methods), they surveyed 24% of the (estimated) Cameroonian population of Indigenous forest peoples. With this effort, they could highlight that the citizenship of approximately half of Baka and Bayegu populations is not recognised (which means they are not in possession of a valid national identity card), and that only 31% of children under 5 were registered at birth (or have a birth certificate). Given that the national average is 66.1%, this would indicate that Indigenous peoples are disproportionately affected by a lack of official documents.

Considering that indigenous forest peoples live for the most part in the most isolated areas of the country, it is less likely for an indigenous woman to give birth in a hospital, which will generally be harder to access. This results in less indigenous births being automatically registered by health services, and parents having the responsibility to register the birth of their children. If they live in a more isolated region, in order to do so the distance they will have to travel will obviously be more significant, and can be a real constraint for a woman who has given birth less than two months prior. While these difficulties would similarly affect all rural populations, indigenous as well as Bantu, indigenous peoples tend to be more affected by them since they are more likely to live in remote areas.

At present, most indigenous children and youth in Cameroon do not have a birth certificate. Young people who have reached majority (18) as well as adults are in a similar situation and have neither birth certificate nor national identity card. This makes Indigenous forest peoples of Cameroon particularly at risk of all kinds of violations of their fundamental human rights. The results of the study indicate that approximately 45% of indigenous forest men and 49% of women are not in possession of any valid document to prove their citizenship.

As noted above, these failures in the system have a direct impact on the enjoyment of other rights, such as the right to be politically active and the right to vote, protected (among others) by Article 25 of the International Covenant on Civil and Political Rights. The data collected by Gbabandi highlight that approximately 36% of indigenous forest men and 34% of women do not have a valid electoral card, and are thus not able to vote in any election.

Box 4: Percentage of children under 5 registered at birth

<table>
<thead>
<tr>
<th>Total population</th>
<th>Indigenous forest peoples</th>
</tr>
</thead>
<tbody>
<tr>
<td>66 %</td>
<td>31 %</td>
</tr>
</tbody>
</table>

Box 4: Percentage of children under 5 registered at birth

Sources: Indigenous Navigator 2018b

Box 5: Summary of results

The results of data collection indicate that:

- Approximately 69 % of forest indigenous children under 5 are not registered at birth.
- Forest indigenous children are twice as likely as the national average not to have a birth certificate.
- Approximately 36% of indigenous forest men and 34% of women cannot vote in elections.
- Approximately 45% of indigenous men and 49% of women do not have valid citizenship documents.

Box 5: Summary of results

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As noted above, these failures in the system have a direct impact on the enjoyment of other rights, such as the right to be politically active and the right to vote, protected (among others) by Article 25 of the International Covenant on Civil and Political Rights. The data collected by Gbabandi highlight that approximately 36% of indigenous forest men and 34% of women do not have a valid electoral card, and are thus not able to vote in any election.
5. Challenges and difficulties in accessing citizenship

In their Final Comments in 2017, the Committee on the Rights of the Child identified several challenges with the registration of births for vulnerable groups (including indigenous peoples) in Cameroon, and noted in particular:

18. The Committee welcomes the revision of the legal and institutional framework to streamline the birth registration process, including the establishment of the National Civil Status Office and the extension of the time limit to declare births. However, it is concerned about the low level of birth registration, particularly in rural areas, owing to:

a. Gaps in the law failing to address the impact on poor and vulnerable families of costs associated with birth registration and the declaration of all births outside hospitals;

b. Low awareness among parents of the importance of birth registration and the time limits for registration and, upon expiration, the difficulties in obtaining a substitute birth certificate through a court order;

c. Inaccessible and under-resourced civil registries disproportionately affecting vulnerable populations, including indigenous (...) communities (...).

These observations have been corroborated by the fieldwork carried out for this study, which also highlighted additional difficulties in accessing documents to prove citizenship. Depending on the context, the main obstacles to overcome are the complexity of the administrative procedures to follow in order to get civil status certificates, together with the distances to cover in order to start these procedures. The high rate of illiteracy among Indigenous peoples and the prejudices against them in Cameroon also continue to be crucial elements of the lack of access to a national identity card. During targeted interviews carried out in the communities as part of the data collection effort in 2018, Gbabandi identified some of the main obstacles as follows.

- The costs of getting birth certificates and national identity cards issued are higher than the income of Indigenous peoples. Included in these costs are not only the direct cost for the issuance of a birth certificate or a national identity card, but also all the necessary expenses related to travel to and accommodation in the locations of civil registration centres, as well as all the opportunity costs the individuals making the trip will have to bear (that is the value of all the activities, for instance of subsistence, that they would have had to say no to). Such financial considerations seriously affect the willingness and capacity of Indigenous forest communities to declare the birth of their children;

- The long distances parents have to travel to get to civil registration centres and tribunals to get official documents issued are a real obstacle for Indigenous communities. This is due not only to the costs associated – although they are a factor – but also to the hardship of the journey and the lack of means of transport;

- The sometimes discriminatory practices do not encourage communities to visit civil registration centres to get a birth certificate and/or a national identity card;

- The lack of consideration for indigenous customs in national legislation. In particular, the fact that a lot of children are born in the forest makes it near impossible to register their birth within the short time limits set.

- The procedure to obtain a birth certificate for adults is complicated, costly and hard to understand, especially given the high rates of illiteracy. It is also often necessary to have the support of neighbouring Bantus as witnesses, which makes indigenous peoples vulnerable to discrimination, and so is not advisable as well as not always being possible.

The right to citizenship: Challenges for forest indigenous peoples in Cameroon

6. Impact of lack of access to citizenship

Not having citizenship – as well as not having the means to prove one’s citizenship – is not just a formality and has very real impacts felt by indigenous forest populations. As well as being a violation of their right to a nationality, if a child is not registered at birth – something over which they have no control – it can have serious consequences for the rest of their life, impact on their ability to access an education, health services, employment, justice, and negatively affect their right to take part in politics, their right to vote, and to move freely within their own country, among many other negative consequences. It can also make many Indigenous people vulnerable to abuses of power by the State, and to discrimination, as not being in possession of a valid national identity card is considered an offence.

Some of the direct consequences of the lack of citizenship can also be seen in other areas of society, such as politics. For instance, based on the data gathered as part of this study, indigenous forest peoples have no representation (men or women) at national level in Parliament. The situation is better at the local level, but is still worrying: 71% of the communities interviewed reported that no indigenous man was in office in the local administration, and 94% said that there was no female representation at local level.

Box 6: Perspective from a member of Kilombo community, Loukoundjé

“We are late learning how to declare births and get national identity cards issued, and why it is important. As we speak, I do not have a national identity card, I don’t even have a birth certificate. I know that without these documents I am not entitled to anything, and I cannot completely claim my rights. But the Government is also at fault: there should be a civil registration centre in our area because leaving the community just to go to town is already difficult financially. We also would like the Government to continue making the issuance of these documents easier. I am young but I cannot apply to the jobs we can find here in the big plantations. I also live in fear of law enforcement officials, and every time I see them I think they are there to check my situation. So I don’t leave the village to avoid any problem.”

TOATOA NDJOUNGOU Lorent, young Bagyéli from the KILOMBO community, 23. Interview and picture © Association Okani

Box 7: Perspectives from members of the Assoumindélé community

“We, the three of us, have neither birth certificate nor national identity card because we are poor. We do not have the money needed to get official documents issued. The distance to get to offices to get identified or to a civil registration centre is also a barrier. We are young but we do not enjoy the same freedoms as others. We live in fear of police, and we cannot move freely to explore other parts of the country, it is difficult to apply to any potential job. Our studies stopped at primary level because we didn’t have a birth certificate to enrol into secondary.”

Lydie NKPAM, Made AWAJE and Finelle GABALE, young Baka girls from Assoumindélé. Interview and picture © Association Okani
The consequences in terms of access to justice are also important. In the 40 communities who were part of the study, 66% answered that they hadn’t been able to start any legal action to defend their rights, while an additional 23% said they could do so “only to a lesser extent”. Only 3% of communities thought they could do so to a large extent. The statistics are even more worrying in light of the current number of rights violations of which Indigenous forest communities are victims, as reported by them to the Indigenous Navigator (See boxes 8 and 9).

Approximately 34% of the communities surveyed are involved in conflicts related to land or natural resources such as: illegal forest exploitation or other illegal activities (66%), natural park or protected area development (23%), large scale industrial agriculture (23%), extractive industries (9%), infrastructure (6%).

Since 2008, approximately 66% of the communities surveyed have been faced with land grabs, land use by external actors, or extraction of resources without their free, prior and informed consent.

13% responded that they had been able to do so to a certain extent.
14 Collecte de données Navigateur Autochtone, 2018

Box 8: Statistics on the violations of the fundamental rights of Indigenous forest communities

- Approximately 34% of the communities surveyed have received death threats for defending the rights of their community.
- 14% of the communities surveyed said that a community member had been tortured for defending the rights of the community.
- 6% of the communities surveyed have reported murders, forced disappearances, kidnappings and detention linked to the defence of community rights.

The lack of access to citizenship leads to the violation of other human rights such as the right to an education and the right to vote. Since a birth certificate is required in order to enrol, not being able to register births has huge consequences in terms of access to education. As it is so closely linked to so many other human rights, a lack of access to citizenship starts a vicious circle of deprivation of rights, which continues through generations. Strong and definitive actions are needed to break this cycle.
7. Conclusion

In practice, for the citizenship of forest indigenous peoples of Cameroon to be formally recognised, support will have to be provided to obtain civil status documents, to issue birth certificates, national identity cards and electoral cards. Meanwhile, forest indigenous peoples find it extremely difficult to establish their direct line of descent and their identity. Not having any proof of identity is a major obstacle to being able to enjoy all their human rights, especially the right to free movement, participation in political life, justice, education, employment, health, access to land and natural resources, social security and governance. In a speech delivered in March 1988 during his second official visit to Eastern Cameroon, the President of Cameroon Paul BIYA said:

“Pygmies are not second-class or marginal citizens. They are fully-fledged citizens, needless to say on the same level as any other Cameroonian.” 15

If this rhetoric has existed for more than 30 years, it is still far from being a reality, and concrete actions are overdue. Making human rights including the UN Declaration on the Rights of Indigenous Peoples and the Sustainable Development Goals a reality within the programmes and policies of Cameroon is a key consideration if Cameroon is to fulfil the vision of the 2030 Agenda for Sustainable Development and “leave no one behind”. While efforts made so far to facilitate access to citizenship are laudable, time has come to implement new strategies. The recommendations made in this report offer some guidance.

15 Excerpt from the speech of the President of the Republic of Cameroon Paul BIYA, delivered in March 1988 during his second official visit to Eastern Cameroon.
8. Methods

The methodology followed for the consultation was mostly participatory and iterative, included indigenous leaders as well as state and non-state actors, focusing on the right to citizenship for Indigenous forest peoples in Cameroon. It was structured around four main components:

• an analysis of data gathered by Gbabandi on citizenship and indigenous peoples in Cameroon in February and July 2018;
• a review of legal documents;
• a literature review;
• workshops and field visits to validate the results of the data collection carried out in July 2018.

Data gathered with the Indigenous Navigator tools

Because of the lack of existing disaggregated data, Gbabandi had to use the Indigenous Navigator tools to get more information on the current situation of the Baka and Bagyeli indigenous communities. The Indigenous Navigator’s standardised questionnaire was developed by a group of international experts as part of a project funded by the European Union. When it was launched in 2014, the Indigenous Navigator was piloted in 6 countries: Peru, Kenya, Cameroon, Suriname, Thailand and Nepal. The questionnaire helps to highlight important links between the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and commitments made towards the Sustainable Development Goals and in the Outcome Document of the World Conference on Indigenous Peoples. 16 As well as general questions designed to provide systematic monitoring of the recognition and implementation of Indigenous peoples’ rights, additional questions target specifically the status of their citizenship:

• Approximately, how many children of your people/community under age 5 have had their birth registered with a civil authority
• Approximately, how many adult men and women of your people/community have recognised citizenship? (Reworded for communities in Cameroon as: Approximately, how many adult men and women of your community have a valid national identity card?)
• Approximately, how many adult men and women of your people/community have the possibility to vote in elections for national and local government?

After receiving a training of trainers in January 2018, Gbabandi members carried out field visits in February and July 2018. They organised group discussions in each community, with additional focus groups if necessary to ensure a good participation of women. The table included below provides more detail on the number of communities and individuals surveyed as part of the data collection (a complete list of communities is also provided in the annex, p.38).

A training workshop on how to use the Indigenous Navigator’s tools to collect data took place in Lomié in January 2018 © FPP

Box 8: Number of communities and individuals surveyed during the data collection

| Number of communities surveyed: | 40 |
| Baka communities: | 33 |
| Bagyeli communities: | 7 |
| Estimate of the indigenous population surveyed: | 10,730 |
| % of the total Indigenous forest population: | 24 % |
| Number of people who participated in group discussions to answer the survey | 1,135 |
| Estimated % of women who participated in group discussions | 52 % |

Literature review

The literature review involved collecting additional information from books and articles on the right to citizenship, as well as reading and analysing the national and international legal framework, and looking at documents focusing on the right to citizenship of forest indigenous peoples in Cameroon. The main documents referred to have been included in the References list.

Workshops and field visits

Workshops and field visits were organised with actors who play an important role in the process of the right to citizenship of forest indigenous peoples, including state actors, non-governmental organisations, and donors such as the World Bank. Visits and workshop were organised in the field with local authorities, municipal councils, key partners and Indigenous leaders in order to get their perspective on the right to citizenship. The aim was to consider the level of understanding of different stakeholders on indigenous citizenship, and to identify corresponding indicators. Other objectives included: understand the strategies different stakeholders and Indigenous people consider in order to improve the status of citizenship, identify capacity building needs and establish partnerships for collaboration. The data highlighted the extent to which the specific culture of the forest indigenous peoples of Cameroon is taken into account. The methodology for the work was to organise workshops during community meetings. In some cases, a number of specific resource persons were interviewed individually. The interviews were carried out in the indigenous language (Baka and Bagyeli).

Gaps and challenges with existing data and the data used

The following have been identified among other gaps:

• A lack of official and reliable statistical data on the population size of forest indigenous peoples in each administrative unit;

• A lack of official and reliable statistical data on the legal identity documents for indigenous peoples in the different administrative units;

• A lack of accurate information within communities on their population and the number of birth certificates, valid NICs and electoral cards. The data gathered during the survey consists of estimates by the communities themselves;

• A potential bias in the type of communities who took part in the data collection (for instance it is possible that very remote and non-sedentary indigenous communities are underrepresented). This means that the actual number of indigenous men and women without a birth certificate, a NIC and an electoral card could be even higher than the results presented.
National laws

- Order No. 81/002 of 29 June 1981 setting out the civil registration system in Cameroon
- Law No. 2011/011 of 6 May 2011 amending and supplementing certain provisions of Order No. 81/002 of 29 June 1981 on the civil registration system in Cameroon
- Law No. 2012/001 of 19 April 2012 on the electoral code
- Law No. 90/042 of 19 December 1990 introducing national identity cards
- Decree No. 99/154 of 20 July 1999 setting out the characteristics and procedures to apply for and issue national identity cards
- Decree No. 2013/031 of 13 February 2013 on the structure and operations of the National Civil Registration Office
- Decree No. 2016/375 of 4 August 2016 setting out the characteristics and procedures to apply for and issue national identity cards

International instruments:

- United Nations Declaration on the rights of Indigenous Peoples
- Convention on the Rights of the Child
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights

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Annexes

List of Key Informant Interviewees

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List of communities involved in data collection

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