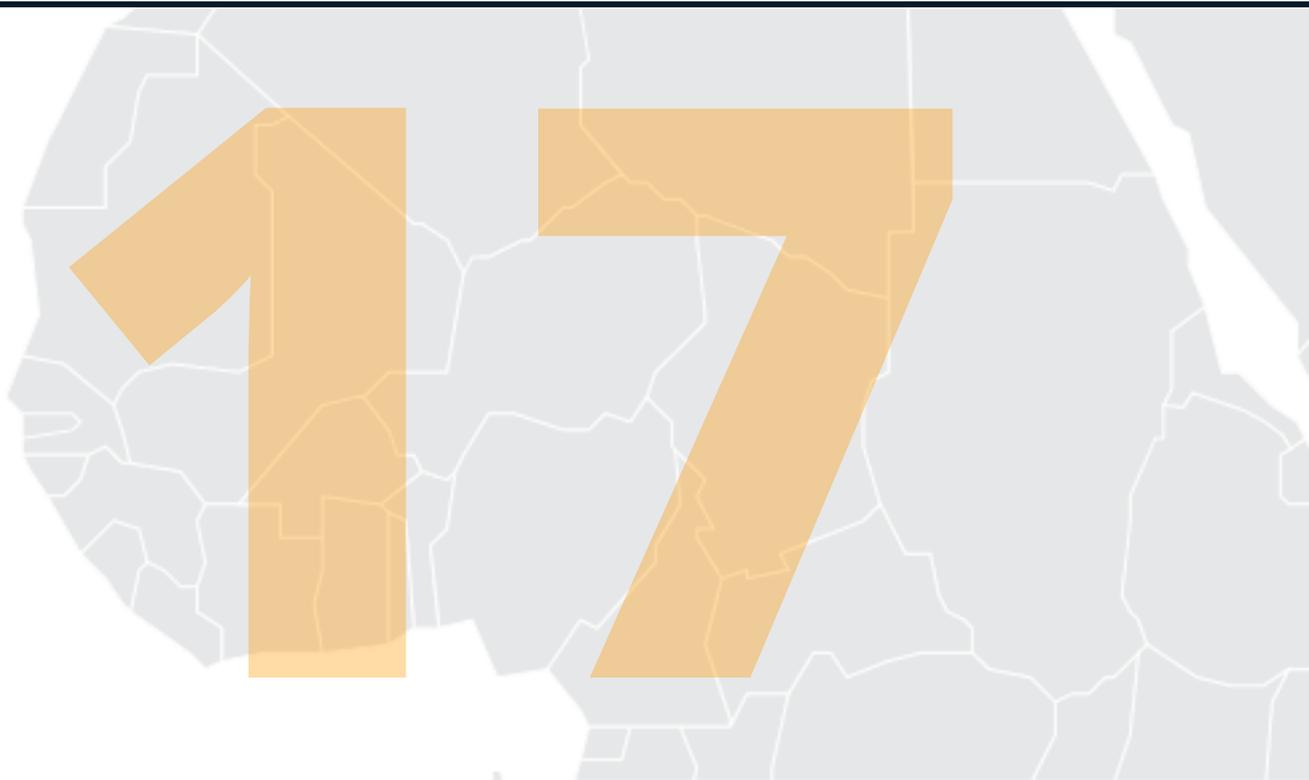


CASE STUDY

North West region, Cameroon



Pastoralists resist land grabbing

The case describes how a Mbororo pastoralist community in Cameroon defended their land rights against attempts by the Archbishop of the Bamenda Archdiocese, Cornelius Fontem Esua and the Catholic University of Cameroon to dispossess them of land they occupied since 1904. The case illustrates the vulnerability of a disorganised and marginalised community. The community became susceptible to potential land right violations by powerful and articulate institutions. Because these knew how to manoeuvre around the law and land governance institutions, pastoralist communities risked to lose their land rights. The community with the support of civil society organisations mobilised resources to successfully and peacefully resist the attempts to grab the land that was part of their identity and their basis for livelihood.

PRINCIPAL ORGANISATIONS INVOLVED

Mbororo Social and Cultural Development Association (MBOSCUDA)

LOCATION

Ndzah village, Bamenda III subdivision, Mezam division, North West Region, Cameroon

TIMELINE

2010 - 2014

TARGET AUDIENCE

Indigenous communities, civil society organisations, government officials, policy makers, investors in customary tenure areas and international human rights institutions

KEYWORDS

Community land rights, mobilisation, campaigning, tenure security

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GOOD PRACTICES

towards making land governance more people-centred

This case study is part of the ILC's Database of Good Practices, an initiative that documents and systematises ILC members and partners' experience in promoting people-centred land governance, as defined in the Antigua Declaration of the ILC Assembly of Members.

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This case study supports people-centred land governance as it contributes to:

Commitment 3 Recognize and protect the diverse tenure and production systems upon which people's livelihoods depend

Commitment 5 Respect and protect the inherent land and territorial rights of indigenous peoples

Commitment 9 Prevent and remedy land grabbing

Case description

Background issues

Cameroon has a plural legal systems governing land, meaning that formal and informal systems coexist. The 1996 Constitution obliges the state to protect minorities and the rights of indigenous populations. There are other ordinances and decrees that complement the Constitution at all levels of land governance. For instance Decree n.78/263 of 3 July 1978 establishes the terms and conditions for settling farmer-pastoralist disputes; creates a local commission to allocate land and preside over agricultural and grazing land disputes. Although extensive land governance systems are in place, they are undermined by corruption and inefficiency in the implementation of these laws. Poor and marginalised indigenous people are vulnerable due to lack of respect of their land rights.

Cameroon is home to the Mbororo, a pastoralist community that relies on livestock herding as a primary livelihood activity. The Mbororo migrated into Cameroon in 1904-1905. As land was parcelled out in 1903, the Mbororo registered a claim to land in the North West province of Cameroon. Although the land claim was registered to the Mbororo, the administrative and decision making power lay with the central and local government offices of Cameroon. This rendered the local communities vulnerable as they were not consulted in the decisions concerning their land.

In 2010, the Catholic University of Cameroon, represented by the Archbishop of Bamenda Archdiocese, initiated a process to acquire land for the construction of a University campus. In 2011, the Catholic University of Cameroon was granted a Temporary Grant of Rights over 46 hectares, 38 acres and 98 metres by the Minister of State Property and Land Tenure. However, the University was claiming 300 hectares of the Mbororo Community land. Temporary grant of rights are given over a maximum of 50 hectares of unoccupied and

unexploited land for economic, social and cultural development projects. However, the land that the University laid claims over was occupied by the Mbororo Community, who relied on it for their livelihood. As such, the grant was wrongfully issued in favour of the University since the land belonged to and was registered in favour of the Mbororo Community.

Between 2012 and 2014 the Catholic University of Cameroon and the Mbororo Community were engaged in a struggle over the land. The University representatives attempted to evict 118 Mbororo families and their 1,650 livestock through the demolition of their immovable properties on 19th March 2014. The eviction project was met with resistance by the Mbororo Community, who managed to stop a bulldozer from destroying more homesteads.

Solution

The community lacked knowledge of their land rights and were neither organised nor trained to practically defend their land rights against land grabbing. The Mbororo also lacked capacity to enforce their land rights against the land governance institutions. Therefore, the Mbororo faced a risk of losing their land to the Catholic University of Cameroon. The Mbororo Social and Cultural Development Association (MBOSCUDA), an umbrella association of the Mbororo people, which works to defend the land rights and livelihoods of the indigenous people in Cameroon supported the Mbororo Community and assisted them to defend their land against the land grab by the University. MBOSCUDA's interventions enabled the Mbororo Community to exert pressure on the government and the University to recognise the diverse tenure production systems upon which the Mbororo people's livelihoods depended. As a result, the Catholic University of Cameroon withdrew from the disputed piece of land. The diverse tenure and production systems of land in Cameroon were recognised and respected, as well as the territorial rights of indigenous people.

Activities

Awareness raising in the Community

Since 1993, MBOSCUDA has worked to fight the marginalisation of the Mbororo people in Cameroon. MBOSCUDA focuses on land rights for the Mbororo herders and supports Mbororo communities to take up their citizenship and negotiate social justice for themselves by raising awareness on their rights. MBOSCUDA worked with the community to publicise and legally enforce the land rights of the Mbororo Community.

Legal representation

In this case, MBOSCUDA's activities among the Mbororo Community included research and legal representation of the Mbororo Community and Ardo Adamu, the Community leader, who was arrested and assaulted under police custody for protecting the land rights of the Mbororo Community. Ardo Adamu was accused of using immovable property belonging to the Catholic University of Cameroon without due authorisation, an offence criminally punishable under section 8(4)(5) of Ordinance 74/1 of July 1974. The case was however stalled, with the University's witness not attending court. After 10 postponements, Ardo Adamu's lawyers assisted in having the case dismissed for lack of diligent prosecution.

Ardo Adamu, on behalf of the Mbororo Community and with the assistance of MBOSCUDA, filed a lawsuit against the University for the Illegal Occupation of their land under suit CFIBA/15CM/2013 in the Court of First Instance of Bamenda. The applicant prayed for the eviction of the Catholic University of Cameroon from the Mamada Hill. The case was dismissed for lack of competent jurisdiction by the Court of First Instance but the applicant was advised to initiate proceedings against the Minister of State Property, Surveys and Land Tenure in the competent Administrative Court. Pursuant to the judgement, MBOSCUDA assisted the Mbororo Community by issuing a letter to the Minister highlighting the irregularities in the Grant to the University. The Minister did not respond in writing within the 3 month period stipulated by law. Therefore, the office of the Minister was presumed to confirm its original position in issuing the grant to the Catholic University of Cameroon.

With the support of MBOSCUDA the Mbororo Community instituted a lawsuit in the Administrative Court of the North West Region of Bamenda challenging the legality of the *Arrêté*. In the interim, they filed an application against the execution of the *Arrêté*, which legally stopped the University from enforcing it.

The University however served notice on the community members to vacate the property on or before 14 March 2014, failing which the occupants' homes would be demolished and the occupants evicted without compensation. MBOSCUDA lawyer responded to the eviction notice stating that the University could not execute the *Arrêté* pending determination of the matter in the Administrative Court. On 19 March 2014, the University, acting unlawfully, sent a bulldozer to the Mbororo Community to effect the eviction, thereby destroying homes of the Mbororo Community. MBOSCUDA made contact with the Senior Administrative Officer of Mezam, who advised that the Administrative Office had not sent the bulldozer as the matter was pending before court. The unlawful act of demolition of property of the Mbororo by the University resulted in physical altercations between the representatives of the University and the community, in defence of their land rights.

Mobilised resistance to forced resettlement

MBOSCUDA assisted in mobilising the community members to resist eviction and resettlement. Reasonable force was used to stop the bulldozer from destroying the property of the community members. MBOSCUDA also mobilised a march to and a 5 day sit in at the Bamenda Cathedral on Saturday 5 April 2014. The authorities in charge of the Cathedral called in gendarmes to remove the protesters. Gendarmes removed the protestors from the premises of the church. Protestors continued their protest on the road side entrance to the Cathedral (Nana 2014).

Mobilised social media to attract attention to the case

The case was publicised globally through social and conventional media. This attracted global attention and increased pressure on the University to give up the land of the Mbororo Community. The case received coverage on Bamenda Online.net¹, Earth

¹ Fozo, A. (2014) Ndzah Land Dispute: Bamenda Archdiocese Decides to Withdraw. Bamenda Online. Net <http://bamendaonline.net/blog/ndzah-land-dispute-bamenda-archdiocese-decides-to-withdraw/>

People's blog², the Justice and Dignity Campaign's Facebook page, Frontline Defenders.org and others³. The actions of the University and the impact of the land grabs were brought to the attention of the world. The importance of access to justice and knowledge of rights by the land users was also highlighted.

Importance of the case for people-centred land governance

MBOSCUDA's actions were effective to increase the Community's awareness of their land rights. Community members became aware of the available channels for enforcing their legal rights, notwithstanding the contempt by the University. Thanks to the knowledge they acquired, community members gained confidence that the land rights system is valuable and will be enforced.

This case study also highlights the importance of holding public administrative offices accountable to the people. MBOSCUDA's action of taking the Minister of State Property and Land Tenure to the Administrative Court demonstrates that Government offices are also bound by the confines of the law, and must be held accountable when they act in breach thereof.

Changes

Baseline

Ardo Adamu Bi Mamada succeeded his late father Ardo Mamada Bi Sodhari in 1964 at the age of 15 as the traditional leader of the Mbororo indigenous herders of Ndzah village. He was subsequently recognized as such by the administration of Mezam Division. At the time of the eviction, 108 Mbororo herders lived on the Mamada Hills with their wives and children as well as over 1200 cattle, 300 sheep and 150 horses. The land on the Mamada Hills had been occupied by the Mbororo community since 1904. Their occupation was recognised by the Cameroon government through a grazing permit issued to them in 1935 by the then Governor of Bamenda under the British colonial power. However, their rights to consultation before alienation of their land were not observed.

Mbororo pastoralists, who are indigenous minorities in Cameroon account for 12% of the population. They are often in conflict with other communities over access to land and water resources. This was the status quo despite the fact that the United Nations Declaration on Minorities required their unique cultural identity be protected within the territories of their domicile.

² Earth People (2014) Cameroon: violent confrontation halts illegal eviction of Mbororo from their ancestral land <http://earthpeoples.org/blog/?p=5602>

³ Ghana MMA (2013) CFIBA Adjourns Ruling On Catholic-Mbororo Land Matter <http://www.ghanamma.com/2013/07/11/cfiba-adjourns-ruling-on-catholic-mbororo-land-matter/>

The Mbororo Communities' land rights were not protected as the Catholic University of Cameroon attempted to grab about 300 hectares of land belonging to the Mbororo community. Prior to the intervention of MBOSCUDA, the Mbororo were disorganised and likely to lose their land to investors and land grabbers. The local government authorities facilitated land grabs of Mbororo land with impunity.

Achievements

After MBOSCUDA's intervention, the Mbororo were in a position to engage with and question the proposed grabbing of their land by investors and government officials. The community used the knowledge of their land rights and the law to challenge unfair practices that undermined their land rights and livelihoods

About 150 houses and cultivated croplands belonging to the Mbororo community were all destroyed during the illegal demolition and eviction. All the families however returned and regained access to their ancestral land and are now in effective occupation of the land.

Unfortunately, the community does not have land titles yet because the land is still termed disputed land. The matter is still pending before the Bamenda Administrative Court. Upon its legal resolution, the Mbororo Community will then be able to engage in land registration procedures. The land is still susceptible to potential land grabs until the matter is settled in favour of the Mbororo people.

After the intervention of MBOSCUDA, the Mbororo Community managed to physically secure their land again. The Archbishop of the Bamenda district made an official announcement that the University was giving up the land. Some members of the community were however left without houses or compensation for the damages they suffered.

Evidence

The United Nations Special Rapporteur on Minority Issues, Rita Izsák observed the plight of the Mbororo Community over access to and ownership of land among other things during her September 2013 official visit to Cameroon. In her January 2014 report, she highlighted that the Government of Cameroon encouraged sedentary lifestyles, while some Mbororo people preferred a nomadic lifestyle.

The United Nations Human Rights Office of the High Commissioner published a statement on its website in which it lamented the land grab against the indigenous Mbororo Community. On 10 April 2014, the United Nations Special Rapporteurs on Minority Issues, Rita Izsák and on Indigenous Peoples James Anaya called the Government of Cameroon and the University urging them to review the eviction and demolition of the houses of the pastoralist community.

UN Human Rights, Office of the High Commissioner (2014) *Cameroon: UN experts on minorities and indigenous peoples concerned about destruction of pastoralist homes*
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14496&LangID=E>

"I urge the authorities and the Catholic University in Bamenda to review these actions and their impact on this community and immediately seek a settlement with them"
- The United Nations Special Rapporteurs on minority issues, Rita Izsák, and on the rights of indigenous peoples, James Anaya

Lessons learned

Lessons for civil society

Invest in knowledge generation

Civil society organisations working to secure land rights for indigenous communities need to invest in the generation of knowledge about the law and policies governing land. In this case the knowledge about the mandate of the local government offices and its limits provided a strategic point for the Mbororo Community's defence of their land. Civil society should also collect information about the communities they seek to support. This information is necessary to inform CSOs about the needs of the communities and more importantly to inform negotiations and the design of interventions.

Use a variety of strategies to mobilise the communities

Civil society organisations should use a variety of strategies to confront the land grab. These include petitions, legal actions and negotiation. These strategies may often be pursued simultaneously.

Mobilise resources

Civil society organisations must be aware that they need to mobilise resources to support the various capacity building initiatives, law suits and other interventions as the cases may be protracted.

Invest in capacity building

There is a need for CSOs to invest in capacity building in local communities through training, paralegal training and learning platforms. This ensures that initiatives are sustainable as communities are equipped to work independently and build capacity of other communities that are similarly affected.

Engage locally and beyond the borders using social media

The use of social media goes a long way in exposing injustice and naming and shaming the perpetrators of a land grab. Publications also bring the global spotlight to focus on the injustice. In the Mbororo case such interventions also included further publicity directed at the Catholic Church, the United Nations and other global institutions that have a responsibility to safeguard the rights of marginalised communities like the Mbororo.

Lessons for policy makers

Land grabs are fuelled by insecure land rights that communities have under customary tenure, lack of effective land governance mechanisms and corruption. The failure by policy makers to respect their own policies and regulations combined with communities' ignorance of their land rights and lack of monitoring leads to inefficient land allocation, and communities losing land to land grabbers. This generates tensions between communities and policy makers in land governance - tensions which can only be resolved sometimes in costly courts of law. In this case effective community capacity building and monitoring of policy by a civil society organisation helped to address some of these issues.

Challenges

The challenges that were faced in this case include:

- The failure of the authorities to involve the Mbororo in decisions affecting their livelihoods and to request the Community's free, prior and informed consent.
- The failure by the land administrators to respond to the requests by the Mbororo to resolve the issue outside the courts of law;
- The lack of impartiality by the land administrators and the tensions between the them and MBOSCUDA;
- The ignorance of the indigenous Mbororo people on land policy and their disorganised nature, which contributed greatly to their vulnerability.

Follow-up

The lessons from this case and the work of MBOSCUDA provide a best practice that other marginalised indigenous communities can emulate to proactively secure their land rights enshrined in the law. The strategies that MBOSCUDA put in place include awareness raising, capacity building and community mobilisation, which increased their ability to engage with laws and policies that protect the communities' land rights.

The paralegal officer for Mezam and other MBOSCUDA staff did a lot of ground work to boost the morale of the community to withstand and resist eviction as they protested around the Catholic premises. Due to the high level of connections and collaborations with some human rights organisations and activists, MBOSCUDA was quick in mobilising them for assistance and in obtaining publications over national and social media as the issues unfolded. The disorganised Mbororo community was brought together by MBOSCUDA and eventually they spoke with one voice. This significantly contributed to their success.

Supporting material

References and further reading

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