

## **APPENDIX A**

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### General Provisions Of Cameroonian Legislation Concerning The Rights Of Native Peoples

[ Marie-Andrée NGWE ]

This appendix summarizes a few of the general provisions conferring upon the pygmy people the same legal protection as other citizens of Cameroon.

#### 1. CONSTITUTION

Its preamble stipulates/guarantees, among other things, the following fundamental principles/rights and duties which apply to all citizens of Cameroon, **without discrimination**:

- All citizens have the same rights and duties. The State provides all citizens with the conditions necessary for their development.
- The right to a fair trial and to be treated humanely in any circumstance.
- The right to private property. The right and the duty to work: the duty to pay taxes according to one's ability.
- The right to a safe environment and the duty to protect the environment.

Article 2 paragraph 3 grants the right to vote to any Cameroonian citizen over 20 years of age.

The preamble specifies however **that the State protects minorities and preserves the right of native peoples according to the law.**

#### 2. POLITICAL OR CIVIL RIGHTS LAWS

2.1 Law 90/042 of December 19, 1990 relative to the national identity card.

Article 1 of thereof specifies that having a national identity card is mandatory throughout the land, for any citizen over 18 years of age.

2.2 Law 90/053 of December 19, 1990 relative to freedom of assembly

Article 1 grants all Cameroonians the right to freely create, join or not join an association.

2.3 Law 90/56 of December 19 relative to political parties

Articles 2 and 3 grants the freedom to create, join or not join a political party. Article 9 forbids political parties that work against national unity and integration by discriminating according to tribal origins.

2.4 Law 91/020 of December 16, 1991 relative to the conditions for electing deputies to the National Assembly.

Article 5 Paragraph 4 stipulates that each list must take into account the various sociological components of the electoral district it represents.

Article 11 allows any citizen over 23 years of age who can read French or English to be a candidate for the elections of deputies.

2.5 Law 92/002 of August 14 1992 relative to the conditions for electing city council.

Article 3 Paragraph 2 stipulates that each list must take into account the various sociological components of the electoral district it represents.

2.6 Law 96/06 of January 18, 1996 relative to constitutional amendments

Article 57 stipulates that the regional council reflects the various components of the region (decentralized territorial grouping throughout a province). The regional council is chaired by a native from the region.

### **3. TRIBUNAL LAWS**

Decree 76/521 of November 9, 1976 relative to legal assistance regulations.

According to this decree, legal assistance may be granted to physical persons who do not have enough resources to defend their rights in court or to pursue the execution of any ruling, even those obtained without legal assistance.

To obtain legal assistance, the applicant must put in a request before the commission having jurisdiction, and must supply documents showing his/her state of destitution. The commission makes a justified determination which cannot be appealed by either party.

The recipient of legal assistance is partially or completely exempt from paying legal fees, as well as any other form of court-related fee (to attorneys, notary public, bailiff, etc.)

#### 4. REAL ESTATE LAWS

##### 4.1 Ordinance 74/1 of July 6, 1974 relative to real estate

Article 15 and 17 grant members of traditional communities who have been occupying or working on public land prior to August 5, 1974:

- the right to continue to work or occupy the land, and the right to obtain legal ownership of that land;
- hunting and gathering rights on public land that is neither occupied nor used.

##### 4.2 Ordinance 74/2 of July 6, 1974 relative to state-owned land

Article 7 stipulates that people occupying the land in good faith and who have been enjoying rights over state-owned land prior to August 5, 1974 cannot be dispossessed except in case of public interest and with a compensation equivalent to that of an expropriation.

##### 4.3 Decree 76/165 of April 27, 1976 relative to private ownership titles.

Chapter II, Section 11 of that decree defines the process for obtaining private ownership titles for public land occupied by traditional communities and their members according to Point 4.1. In order to do this, the latter must file an application at the *Sous-préfecture* of the *arrondissement* (administrative division) where the land is located.

This application indicates their civil status and a description of the land involved. Once the application is reviewed, the land is registered, unless the Minister of Land Registry decides against it by ruling in favor of a third party opposed to it. That decision may be appealed to the Supreme Court's Administrative Chamber.

##### 4.4 Decree 76/166 of April 27, 1976 relative to public land management

Article 23 determines that in case of incorporation of land belonging to public domain or owned by the State or by other public entities, the expropriated persons must receive a compensation equivalent to the value of the structures or crops that can be found on the land.

#### 5. ENVIRONMENTAL AND HEALTH LAWS

##### 5.1 Law 96/03 of January 4, 1996 providing a framework for health-related topics

The national policy is based in particular on the principle of improving health among disadvantaged and vulnerable groups (article 4, paragraph 3).

5.2 Law 96/12 of August 5, 1996 providing a framework for the management of the environment

Articles 5 through 9 of that law establish rules relative to each citizen's rights and obligations regarding the environment:

Laws and regulations must provide a safe environment to everybody.

The whole population must be sensitized to environmental issues. It must have access to information about the environment and it has the right to be informed about the negative impacts on health, humans and the environment, by harmful activities, as well as measures taken to prevent and compensate for these impacts.

It is the duty of each citizen to protect and conserve the environment.

## **6. Employment and Social Welfare Laws**

6.1 Law 77/11 of July 13, 1977 relative to the prevention and compensation of work-related accidents and diseases.

Article 8 allows any Cameroonian citizen with or without a job to subscribe to an insurance policy regulated by the same law (mainly for workers who are protected by the Labor Code). Unemployed citizens must pay the full premium.

6.2 Law 84/007 of July 4, 1984 amending Law 69/LF/18 of November 10, 1969 establishing a social security regime for the elderly, invalids and widows and orphans.

Article 3 allows any Cameroonian citizen to voluntarily subscribe to the regime established by that law. In that case, the citizen must pay the full premium.

6.3 Law 92/007 of August 14, 1992 relative to the work code

Article 2 stipulates that each individual enjoys the right to work as a fundamental right and that the States must do everything in its power to help each individual find a job.

6.4 Decree 94/199 of October 7, 1994 about government jobs

Article 12 stipulates that government jobs are open to all Cameroonian citizens, without discrimination.

## **7. Education Laws**

Law 98/4 of April 14, 1998 relative to educational goals in Cameroon

Each citizen has the same right to gain access to education regardless of his or her social cultural, linguistic or geographic origin (article 7).

## **8. Consumer Protection Laws**

Law 90/031 of August 1990 relative to business in Cameroon

Article 3 forbids business owners to discriminate against people in the sale of their goods or services. This provision applies to banks, since they are qualified as doing businesses.