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Development  
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*For a Green Congo Basin*

# **IDENTIFICATION OF RECOGNITION AND SECURING OPTIONS FOR ICCAs-TERRITORIES OF LIFE IN CAMEROON**

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## LIST OF ABBREVIATIONS

ICPA	:	Indigenous Communities Protected Area
CAE	:	Indigenous Circle of Experts
CCA	:	Community Conserved Areas
DTC	:	Decentralized Territorial Communities
HVC	:	High Conservation Value Forests
ICCA	:	Indigenous and Community Conserved Areas
NIMF	:	Forest Environment Intervention Standards
IPLC	:	Indigenous Peoples and Local Communities
UNESCO	:	United Nations Educational, Scientific and Cultural Organization
IUCN	:	International Union for Conservation of Nature
GIS	:	Geographic Information System
CSO	:	Civil Society Organization

## INTRODUCTION

Today, Indigenous and Community Conserved Areas (ICCAs) and their custodian communities are faced with the socio-ecological changes affecting the world. Yet they are also increasingly recognized as the best hope for conserving the biological and cultural diversity still present on earth. In Africa, while traditional conservation is dominated by state-created protected areas, thousands of ICCAs struggle to exist and conserve the bio-cultural diversity of large land and seascapes.

There is no doubt that African ICCAs are facing conflicting political and economic interests that threaten their existence. These threats are as much physical through extractive activities that invade and pollute terrestrial, marine and coastal ecosystems as they are cultural through the importation of new values alien to the original local culture.

In Guinea, as in Zambia and South Africa, mining is displacing communities, polluting waters and eroding land. In Senegal and Tanzania, dams and water diversion systems have altered ecological and social systems built over centuries of adaptation and coping with river ecosystems. In Kenya and Nigeria, power lines, pipelines and port development are encroaching on forests, polluting wetlands and displacing farmers. In Sierra Leone and Madagascar, fisheries have been devastated by trawlers, as have forests by illegal loggers. Across the continent, pastoralists are being pushed off their traditional migration routes by land grabs for large-scale monoculture industries.

Meanwhile, there is cultural impoverishment and the gradual abandonment within communities of traditional indigenous knowledge and institutions. Other factors such as the non-recognition of the collective customary rights and responsibilities of indigenous peoples and local communities over land, water and natural resources are to be deplored. Abuses and interference with customary rights and institutions remain common.

However, the responses of the communities that govern the ICCAs are many and varied. They all converge towards the activation of a new awareness and new capacities to conserve nature while affirming the collective rights and responsibilities of the communities on the specific territories and resources.

The Consortium's efforts<sup>1</sup> are commendable in this regard. It seeks to identify and communicate the values of ICCAs, strengthen their governance institutions, and help them document and strengthen their own community protocols for biodiversity. It also helps ICCA communities gain visibility and reach a "critical mass" to advocate at the national level. Efforts have begun in Senegal, Madagascar, Burkina Faso and the Democratic Republic of Congo, where there are some of the most remarkable examples of ICCAs on the continent. More recently, it has focused on promoting, recognizing and supporting ICCAs in Guinea, Morocco, Kenya, Benin, Zambia, Tanzania, Namibia and Guinea Bissau. Consortium members are also active in Ethiopia.

In Cameroon, the dynamics of promoting ICCA still has a weak institutional and local anchoring. However, we note the adhesion of Cameroonian CSOs to the ICCAs Consortium and the latter participate in the sub-regional general assemblies of Central Africa. Despite this timid progress,

<sup>1</sup> The ICCA Consortium is a global non-profit association dedicated to supporting Indigenous Peoples and local communities in governing and conserving their collective lands, waters and territories. Member organizations and Honorary Members, from over 80 countries, undertake collective action at the local, national, regional and international levels in several thematic areas, including documentation, maintenance and defense of territories of life, as well as youth and intergenerational relations.

the recognition and securing of ICCAs as a territory and social identity of indigenous peoples and local communities remains a serious challenge. Also, it is urgent to initiate a process with institutional actors for the recognition of the Areas and territories of life of indigenous peoples and local communities in Cameroon. To do this, it is important to analyze the options for recognizing and-securing ICCAs in its legal corpus.

# CHAPTER I: DEFINITION OF THE CONCEPT OF INDIGENOUS AND COMMUNITY CONSERVED AREAs (ICCAs)

## 1. Definition according to the socio-historical approach

Indigenous and Community Conserved Areas (ICCAs) or Territories of Life constitute the new dynamic of international approach to recognizing the relevance of biodiversity conservation by local communities and indigenous populations. Through its recognition throughout the world, the concept of ICCAs presents itself as a diversity of situations carrying cultural values and a different name depending on the place and local culture. In addition, any attempt at definition can only represent the close relationship that binds the indigenous people or the local community with its territory.

The concept of Community and Conserved Areas (CCA) was first mentioned in the lead-up to the World Parks Congress in Durban in 2003. It was later expanded to become Indigenous and Community Conserved Areas (ICCA), which has been retained even after the expansion of the current ICCA concept.

In 2007, the Consortium already defined an ICCA as a territory or natural site conserved by an indigenous community or a group of local communities. The IUCN, for its part, speaks of a “natural and/or modified ecosystem containing biodiversity values, ecological services and cultural values, and being voluntarily conserved by indigenous peoples and grassroots communities through customary law or other effective means”.

These two definitions lay the foundations for international recognition of ICCAs around three essential pillars, namely:

- (i) The existence of a close connection between an indigenous people or local community and a specific territory, area or set of resources.

An indigenous people or local community has a close and deep relationship with a site (territory, area or habitat of a species). This relationship must be rooted in historical tradition, social and cultural identity, spirituality and/or dependence for the material and/or immaterial well-being of that community.

- (ii) Site management by the community or populations directly concerned.

The ICCA custodian community or people designs and enforces decisions on the territory, area or habitat concerned through an operational governance institution.

- (iii) A tangible impact on the conservation of biodiversity and the well-being of the community and local populations.

The governance decisions and management efforts of the community or people concerned contribute to the conservation of nature (ecosystems, habitats, species, etc.), as well as to their own well-being.

The Indigenous Circle of Experts (ICE) is a national advisory group of Indigenous and non-In-

Indigenous citizens of Canada who collaborated and consulted to define the concept of ICCAs and how the concept could contribute to achieving its objective. As a result, the ICE (2018) proposed a definition for ICCAs: “ICCAs are lands and waters where Indigenous governments play a primary role in protecting and conserving ecosystems through Indigenous governance, knowledge systems and rights. Culture and language are the heart and soul of Indigenous protected and conserved areas.” As a result, the terms Tribal Parks, Indigenous Cultural Landscapes, Indigenous Conserved Areas and Indigenous Protected Areas are now used in Canada to refer to conservation initiatives for areas of cultural significance and biodiversity owned by local groups or Indigenous peoples.

## **2. Definition of the concept of ICCA following the anthropo-cultural approach**

The acronym “ICCA” refers to a phenomenon that manifests itself in different ways and under different names depending on the culture and regions of the world. These names include: wilayah adat, himas, agdals, territorios de vida, territorios del buen vivir, tagal, qoroq-e bumi, yerli qorukh, faritra ifempivelomana, qoroq, ancestral domains, countries, community conservation areas, territorios autonomos comunitarios, sacred natural sites, and locally managed marine areas.

Without claiming to cover all the diversity of terms, the acronym ICCA can, however, encompass them to make them a value in their own right. However, local/customary names must always be preferred, to reserve the acronym “ICCA” for generic or intercultural exchanges only. In any case, in the eyes of many communities that are guardians of ICCA, their relationship with the territory is much richer and deeper than being able to express it with words or put a label on it.

## **3. Definition of the concept of ICCA following the legal approach**

Although ICCAs contribute to the conservation of ecosystem diversity across the world, very few countries explicitly recognize local and indigenous community heritage areas in their legislation. Even if community rights over territories can be inferred from existing laws, the nature and extent of these rights are subject to interpretation and therefore likely to be claimed by other state actors as well as private operators. Cameroon is no exception to this reality.

## **4. Definition of the concept of ICCA in the Cameroonian context**

Based on the previous definitions and the characteristics with which it identifies, we can deduce that an ICCA is a socio-cultural space or a natural resource clearly defined, recognized and managed according to the customary rules and endogenous knowledge of the IPLC who maintain a close and deep relationship with their territory. These resource spaces participate in the conservation of natural resources and the preservation of cultural values. They can be called an indigenous and community cultural area or territory of life.

## CHAPTER II: LEGAL NOMENCLATURE APPLICABLE TO THE CONCEPT OF ICCA IN CAMEROON

The review of the legal literature of Cameroon allows us to affirm that, in the current state of its order, the absence of a definition or specific legislation dedicated to Indigenous and Community Conserved Areas (ICCA). However, the analysis of the texts allowed us to note that a certain number of specific provisions of the legislation devote the recognition of customary ancestral lands and forests of indigenous peoples and local communities.

### 1. Legal framework related to environmental aspects

The law n° 96/12 of August 5, 1996 on the framework law on environmental management enshrines the protection, conservation and enhancement of cultural and architectural heritage as facts of national interest (Article 39). At the same time, they are an integral part of the national policy for the protection and enhancement of the environment.

The framework law goes further in this perspective of management of the environment and natural resources by enacting in its article 9 (f), the principle of subsidiarity according to which, in the absence of a rule of written law, general or special in matters of environmental protection, the customary standard identified in a given area and proven to be more effective for the protection of the environment applies.

The 1996 law also makes use of financial resources, since it establishes in its article 11, a special allocation account of the public treasury called the “*National Funds for the Environment and Sustainable Development*” to support, among other things, local initiatives in environmental protection and sustainable development.

### 2. Legal framework related to forestry and wildlife aspects

The law n°2024/008 of July 24, 2024 relating to the forest and wildlife regime in its article 19, recognizes the need to create and maintain the forest cover necessary for soil conservation, the protection of the banks of a watercourse, the regulation of the water regime or the conservation of biological diversity. The corresponding land may be subject to either a protection, or declared an ecologically fragile area, or classified in the permanent forest domain. The protection of the area thus defined, entails the prohibition of clearing or exploiting resources on the plots to which it applies. Similarly, the use of natural resources on land allocated in areas with fragile ecology will be regulated.

Although the conditions for protecting or classifying said land are set by the forestry administration, Article 10 of the Decree n°95/531/PM of August 23, 1995 establishing the terms of application of the forest regime, authorizes the Regional Governor to declare certain areas of his administrative district as areas with fragile ecology and to protect them for the purposes of regeneration or restoration.

The governor’s decree declaring an area to be ecologically fragile or to place it under protection is established on the basis of a file from the regional head of the Administration in charge of the environment. It includes, among other things, minutes of the consultation meeting between the



local populations and the administration, and an intervention plan drawn up on the basis of the conditions of the minutes. The intervention plan will be implemented jointly by the municipalities and the local populations (Article 11).

Beyond the areas classified or protected by the administrative authority, the law gives local and indigenous communities and their representative entities the possibility of acquiring and managing forest areas for local development and sustainable resource management. These are communal and regional forests (i), community forests (ii), community protected areas, (iii) regional forests.

#### **(i) Communal and regional forests**

The 2024 law defines communal and regional forests as forests falling within the permanent domain that have been the subject of a classification act on behalf of the municipality or region concerned (Articles 29 and 31). The classification act gives the right to establish a land title in the name of the municipality or region concerned and sets the limits and management objectives of said forest, which may be, depending on the case, the protection, conservation and renewal of the resource (Articles 30 and 32). The initial purpose of this forest cannot be changed without the authorization of the President of the Republic. The IPLC continue to exercise their right of use over this space. In accordance with its development plan and in concert with the neighboring village communities, the municipality or region may place under conservation a plot of its forest area that is of cultural importance to said communities.

#### **(ii) Community forests**

Article 37 of the 2024 law gives village communities that show interest the opportunity to manage the forest resources of the national domain on their own behalf. The allocation of forest space requested by the communities is done on the basis of a management agreement signed between the community concerned and the forest administration.

The management of an allocated community forest is done on the basis of a simple management plan approved by the forestry administration which provides the community concerned with all the necessary technical assistance. All forest products of any nature found in the community forest area belong entirely to the village communities concerned provided that they comply with the management plan. The community may, if it wishes, demarcate areas or define resources that are culturally important for its identity which can be conserved within the framework of the ICCA.

#### **(iii) Community protected areas**

The 2024 law introduced a new category of forest that fits perfectly with the idea of ICCA. This is the community protected area, which is defined as a “protected area falling within the national domain of a riverside community, dedicated to the forest and managed in accordance with local customs” It is classified in favor of a riverside community which requests it for cultural and/or socio-economic needs.

#### **(iv) Forestry intervention standards (NIMF)**

Decision No. 0108/D/MINEF/CAB of February 9, 1998, setting the standards for intervention in forest environments, aims to protect the environment when carrying out forest management activities. The NIMF are mandatory elements to be taken into account when preparing management plans and simple management plans, which must integrate the content of their requirements in order to be approved.

The NIMF have specific provisions to protect certain resources that are important to ICCA. These provisions involve the obligation for the holder of a forest exploitation title:

- To inform the traditional authorities of the locality;
- To locate, map and mark environmental resources to be protected during forestry operations, in particular sacred trees and areas of particular value to IPLCs;
- To take into account the environmental resources to be protected when planning the road network;
- To declare sites to be protected or to be declared as having fragile ecology by the environmental administration;
- The ban on felling within 60 m of sites of social interest and 30 m of identified and classified watercourses.

These provisions for the protection of cultural elements by the NIMF can be used for the identification and protection of ICCA.

#### (v) Isolated resources

The 2024 legislator also focused on isolated natural resources as defined in Article 61 paragraph 5 of the law. This legal provision gives the forest administrator the authority to mark as a reserve any tree that it deems useful for the needs of conservation and regeneration. Marking can be done even within a granted area.

### 3. Legal framework related to cultural aspects

Cameroon has demonstrated its desire to preserve its cultural heritage by ratifying the UNESCO Convention on the Protection of Cultural and Natural Property in 1982 and the UNESCO Convention on the Safeguarding of Intangible Cultural Heritage in 2008. The integration of these conventions into the internal legal system was achieved through the law<sup>o</sup> 91/008 of July 30, 1991 relating to the protection of national cultural and natural heritage repealed by law<sup>o</sup> 2013/003 of 18 April 2013 governing cultural heritage.

The purpose of this law is to promote knowledge, conservation, protection, enhancement, promotion and transmission of cultural heritage in the public interest and with a view to sustainable development.

Article 3 of the law identifies a number of immovable cultural assets that are part of the national heritage. These include, among others:

- Caves, natural rock cavities, religious or with exceptional architecture;
- Archaeological and rock sites;
- Sacred sites and forests;
- Isolated historic buildings and old buildings;
- Terrestrial and marine cultural landscapes.

Depending on the property regime and the interest it holds, a distinction is made between family, collective or individual cultural heritage consisting of cultural property belonging to a family, a group of people or a natural person residing in Cameroon. The ownership of cultural property belongs either to the State, or to public authorities or to individuals as natural or legal persons residing on Cameroonian territory. However, the management of property registered as national cultural

heritage is ensured by the State with the assistance of decentralized local authorities, the private sector and civil society. The registration of cultural property in the national heritage file entails inventory, recognition and classification. The initiative to register a property as cultural heritage belongs to the owner of the property, to the decentralized local authorities, or to the ministry in charge of cultural heritage.

## 5. Legal framework related to tourism aspects

Law No. 98/006 of April 14, 1998 and its Decree No. 99/443/PM of March 25, 1999 set out the terms of application of tourist activity in Cameroon. They define a tourist site as a natural landscape of national heritage presenting an exceptional universal value for culture, aesthetics, history, science and which is exploited and preserved for the interest of tourism. Its development includes in particular the inventory of resources and wealth which make it a priority and attractive.

The aim of developing a tourist site is to protect the natural beauties whose conservation is a primordial factor. The development of a tourist site is a prerogative of the State which can be the subject of a concession through the signing of the operating agreement between the concessionaire and the tourism administration. The agreement, which is renewable for 20 years, is entered into after a mandatory opinion from the commission. It is accompanied by specifications which set out the rights and obligations of the State and the concessionaire. The surface area of a tourist concession or an operating agreement does not exceed 50,000 hectares.

Decree No.°99/433/pm of March 25, 1999 establishing the terms of application of law no.°98/06 of 14 April 1998 on tourist activity recognises in its article 35, the existence of deferred tourist development zones which are primarily dedicated to ecotourism, the development of parks and public gardens and the construction of land reserves. In these areas, no development likely to degrade the environment is authorised.

## 6. The legal framework relating to genetic resources and traditional knowledge

One of the objectives of law no.°2021/14 of July 9, 2021 on access to genetic resources, their derivatives, associated traditional knowledge and the fair and equitable sharing of their use is to support the valorization of traditional knowledge, to involve local communities and indigenous populations in the sharing of benefits arising from their use and to contribute to the improvement of their living conditions.

Article 6 of the 2021 law goes further by emphasizing the belonging of traditional knowledge associated with genetic resources to the IPLC who have developed, preserved and transmitted them from generation to generation. However, the State ensures the preservation, maintenance and promotion of traditional knowledge of local communities in terms of conservation, sustainable use and fair and equitable sharing of the benefits arising from diversity. As the common heritage of the nation, the exploitation of genetic resources for scientific, commercial or cultural purposes is subject to obtaining prior informed consent from the competent national authority.

## CHAPTER III: INSTITUTIONS AND ACTORS OF THE RECOGNITION AND LEGAL SECURITY OF ICCAs IN CAMEROON

Several actors and institutions have concrete attributions and a preponderant role to play in the process of recognition and securing of ICCAs in Cameroon. These are the Ministry of Culture with its regional and departmental branches, decentralized local authorities and certain administrative authorities.

### 1. The Ministry of Culture and its branches

Law No. 91/008 of 30 July 1991 on the protection of national cultural and natural heritage in its first article clearly states that “The protection of national cultural and natural heritage is ensured by the State. Local public authorities, associations and interested third parties participate, where appropriate, in the implementation of related actions”. The role of the State in this process is ensured by the Ministry of Culture through its Cultural Heritage Directorate. It is represented by the heritage services at the regional and departmental levels. Depending on the location of the heritage, other ministries such as urban planning, the city, the environment and tourism may collaborate in this initiative.

The responsibilities of the National Heritage Directorate can be summarized as follows:

- To the protection of sites, monuments and historical figures;
- To the conservation and enhancement of tangible and intangible cultural heritage;
- In the census of the safeguarding and enhancement of natural sites and landscapes

The decentralized services of the Ministry of Culture are responsible for:

- The identification, inventory, proposal for classification and monitoring of the protection of sites, monuments, museums and archives;
- The identification and preservation of sites, traditions and customs as well as their promotion.

### 2. Role of decentralized local authorities

Law No. 96/06 of 18 January 1996 revising the Constitution of 2 June 1972 created two categories of decentralised local authorities: Regions and Communes as legal entities under public law enjoying administrative and financial autonomy in the management of regional and communal interests. Articles 55 and 56 of the Cameroonian Constitution expressly affirm the transfer from the State to local authorities of the necessary powers in matters of educational and cultural development.

By setting the rules applicable to the Regions, the law No. 2019/024 of December 24, 2019 relating to the general code of decentralized local authorities prescribed in his article 268, the powers of the regional executive in matters of environment and natural resource management. These include, among others:



- The management, protection and maintenance of protected areas and natural sites falling under regional jurisdiction;
- The implementation of bans and other local nature protection measures;
- Management of waters of regional interest;
- The creation of woods, forests and protected areas of regional interest following a plan duly approved by the State representative;
- Participation in the monitoring and follow-up of the state of conservation of historic sites and monuments as well as the discovery of prehistoric or historic remains.

Article 24 of the same law transfers to the Regions the powers in matters of:

- Promotion and development of cultural activities;
- Participation in the monitoring and follow-up of the state of conservation of historic sites and monuments as well as the discovery of prehistoric remains.

The provisions of Decree No. 2021/747 of December 28, 2021 affirm and supplement, skills in environmental protection and natural resource management transmitted to the Regions by the general CTD code. It sets out the terms and conditions for exercising certain powers, specifies the terms and conditions for the protection of nature and other local measures for the protection of nature. The Region can thus, within its geographical area of competence, identify, delimit and characterize ecological zones of regional interest; identify the best local practices for the protection of nature and ensure their promotion.

Under Articles 12 and 13 of the decree, the Region inherits the powers to develop, implement and monitor the regional action plan for the environment, which is developed on the basis of an inventory of the measures and projects to be carried out within the framework of environmental preservation and sustainable development. The regional plan must first be submitted for approval to the State representative.

As for the modalities of protection and other local nature protection measures, the prerogatives devolved to the Regions are defined in Articles 5, 6, 7 and 8 as follows:

- Identify, delimit and characterize areas of regional ecological interest (Art 5);
- Identify best local practices for nature protection (Art.5);
- Propose to the state measures for classifying areas with fragile ecology in collaboration with the municipalities (Art.6);
- Develop intervention plans in areas with fragile ecology and collaborate with municipalities in their implementation (Art.7);
- Ensures that local knowledge and expertise are taken into account in the management of ecologically fragile areas of regional interest (Art.8).

In its composition, the organization chart of the Regional Council includes a commission expressly dedicated to the environment, which can be a springboard to the implementation of ICCAs at the regional level. Even if it covers two or more regions, its recognition may be possible through decentralized inter-regional cooperation and the signing of an agreement by which the Regions concerned decide to come together to achieve their common objectives.

In order to understand all the issues of such an initiative, the regional environmental commission can include the subject on the agenda of a session of its council and call for consultation any person, because of their skills, to enlighten the members on the feasibility and the outlines of such a process.

In the field of tourism (article 4 of the relevant law), the legislation mandates decentralized local authorities to develop sectoral policies and promote tourist activities at local and regional level.

### **3. Role of the regional governor**

The provisions of the Decree n° 94/436/PM of August 23, 1994 establishing the terms of application of the forest regime in its article 10, gives the power to the Regional Governor to issue an order declaring certain territories of his administrative district as zones with fragile ecology for their protection for the purposes of regeneration or restoration.

### **4. Role of the land conservator**

Federal law No. 63-22 of June 19, 1963 organizing the protection of monuments, objects and sites of a historical or artistic nature in its article 13 gives the curator the discharge to transcribe to the office of conservation, land ownership and land rights, the order pronouncing classification of the prefectural authority.

## CHAPTER IV: CORE AREAS TO BE TAKEN INTO ACCOUNT FOR ADVOCACY IN FAVOR OF THE RECOGNITION AND LEGAL SECURITY OF ICCA IN CAMEROON

A major challenge for effective recognition of ICCA remains the interface between culture and modernity, state governance and traditional governance. How to reconcile the essentially verbal, informal, flexible rules of concerted management of living territories with the uniform and rigid requirements of state legislation. To do this, it is essential to set up multi-stakeholder consultation frameworks to negotiate and develop agreements between the administration and the IPLC concerned by the ICCA. The aim is to achieve recognition of the customary institutions of the IPLC, their organization, their operation but also the voluntary declaration of their protected area.

### 1. At the national level

It is important to support the government in the process of developing national policies to support ICCAs, the implementation of legislation more compatible with indigenous and community conserved areas and intercultural conservation programs.

### 2. At the local level

It is essential that indigenous peoples and local communities obtain recognition of their rights to the lands and natural resources that they have culturally conserved. To achieve this, it is important to map and demarcate the lands, waters and any other resources recognized as ICCAs; to demonstrate the cultural value they represent for conservation; and to highlight the historical links and the role of guardians played by the communities concerned





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