

REFERENCE: CERD/EWUAP/114session/CS/CS/ks

13 December 2024

Excellency,

I write to you in relation to the Committee's letters of [31 August](#) and [8 December 2023](#) regarding the consideration of information received under its early warning and urgent action procedure, related to the situation of Bagyeli Indigenous Peoples in the Océan department in Cameroon.

The Committee thanks the State party for its response to the letters and takes note of the information provided, according to which:

- Customary communities, including the Bagyeli, who were already peacefully occupying or exploiting national estate domain lands, on 5 August 1974, may continue to occupy or use them, and may also, at their request, obtain land titles;
- Decree no. 76-165 of 27 April 1976 establishes the conditions for obtaining land titles, including for customary communities such as the Bagyeli, and sets up a simple and inexpensive registration procedure;
- Once in possession of the land title, customary communities can assert their ownership rights;
- The provisional concession of unoccupied or unexploited areas of the national domain is only granted for development projects that fall within the economic, social or cultural options of the State of Cameroon, and cannot in principle exceed five years;
- Before forwarding the dossier to the advisory committee, the Estates Department is obliged to obtain all relevant opinions, including those of the local communities, opportunity at which these communities may express their consent or opposition to the proposed measure;
- The advisory committee, chaired by a sub-prefect and comprising, among others, the chief and two notables of the village or community where the land concerned by the concession is located, issues a reasoned opinion on the application and also selects the lands that are essential for the village communities;

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- The advisory committee only formulates its opinion after one or more inspection visits to the site are made and after consultations with local residents;
- Pursuant to article 30 of Law no. 2006/022 of 26 December 2006, when the execution of an administrative act, such as the act granting a concession, is likely to cause irreparable harm and provided that the contested decision does not concern public order, public safety or public tranquillity, the president of the administrative court may, on request, order a suspension of the execution of the act;
- The land referred to in the Committee's letter is part of the unoccupied or unexploited national estate domain and the State of Cameroon, as custodian of the estate domain, has granted a provisional concession to the company Cameroun Vert S.A. for an oil palm plantation project, in line with the economic, social or cultural options of the State of Cameroon;
- The application for the concession was examined by the advisory committee which, after visiting the site and holding consultations, issued a favourable opinion; the advisory committee did not consider the land to be essential to a community; Bagyeli chiefs and notables took part in the work of the advisory committee.

While taking note of the replies provided by the State party, the Committee regrets that it has not received sufficient information on all allegations included in its letters of 31 August and 8 December 2023, in particular those according to which: (a) the concession to Cameroun Vert S.A was granted without the free, prior and informed consent of all affected Bagyeli communities, in compliance with applicable national law and international standards; (b) Bagyeli communities that have sought a legal interim relief through the suspension of the “degazettement” of forest lands, in November 2021, as well as of decree N° 2022/112 of 7 March 2022, in November 2022, have been left with no judicial effective recourse to prevent the ongoing destruction of their forest areas; and (c) the traditional or customary ownership of the lands by Indigenous Peoples, including the Bagyeli, is not adequately recognized, respected or protected under Cameroonian legal framework, as it only permits the registration of customary land which is considered to be “developed” and the registration of lands which were already under customary use in 1974, which is very difficult to demonstrate for the Bagyeli, given the rotational agricultural practices of the Bagyeli.

In this regard, the Committee recalls the recommendations made to the State Party in paragraphs 26 and 27 of its concluding observations of April 2022 (CERD/C/CMR/CO/22-23), in particular to: (a) accelerate the review of the legislative framework for land ownership to ensure the protection of the right of indigenous peoples to own, use, develop and control their lands, territories and resources; (b) adopt measures to ensure consultation with indigenous peoples on any projects or legislative or administrative measures that may affect their lands, territories and resources and with a view to obtaining their free, prior and informed consent; and (c) take measures to ensure access by indigenous peoples to effective remedies and provide them with just and fair compensation for the lands, territories and resources that they have traditionally owned or used and which have been confiscated, occupied or used without their free, prior and informed consent.

In accordance with Article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee requests that the State party provide updated and detailed information on the situation of Bagyeli Indigenous Peoples in the Océan department, as part of its twenty-fourth to twenty-seventh periodic reports, which are due on 24 June 2025. In particular, the Committee requests updated information on steps taken to effectively protect their rights from any adverse impact from the concession granted to Cameroun Vert S.A, including measures adopted or envisaged to revoke the concession that affect the lands, territories or resources of the



Bagyeli Indigenous Peoples until free, prior and informed consent is granted by these Indigenous Peoples following the full and adequate discharge of the duty to consult.

Allow me, Excellency, to reiterate the wish of the Committee to continue to engage in a constructive dialogue with the Government of Cameroon, with a view to ensuring the effective implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in blue ink, reading "Balcerzak" with a flourish at the end.

Michal Balcerzak
Chair

Committee on the Elimination of Racial Discrimination