



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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8 December 2023

Excellency,

I write to you in relation to the Committee's letter of 31 August 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.

In the abovementioned letter, the Committee expressed concern about the allegations received, including that:

- The provisional concession to Cameroun Vert S.A. (CamVert) for the development of an oil palm plantation overlaps with the customary forest lands of the Bagyeli Indigenous Peoples;
- The rapid deforestation of the traditionally owned Bagyeli lands and the planting of oil palms in the concession area, would amount in effect to their dispossession, and potentially forced displacement, from areas they have traditionally owned and used, and on which their livelihoods and culture depend;
- The concession has been granted without their free, prior and informed consent, without just or equitable compensation, and without complying with applicable national law and international standards;
- The concession creates risks of serious and irreparable harm to the Bagyeli communities, who risk permanent loss of their lands, culture and livelihoods if the concession proceeds as planned;
- The concession has been granted despite ongoing legal claims introduced by six Bagyeli communities in November 2021 and in November 2022;
- Bagyeli communities that have sought a legal interim relief have been left with no judicial effective recourse to prevent the ongoing destruction of their forest areas;
- 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, and as a result the vast majority of their customary lands remain unregistered and are considered to be under the guardianship of the State, which may allocate them for other uses without any acknowledgement of customary ownership.

H.E. Mr. Salomon Eheth
Permanent Representative of the Republic of Cameroon
to the United Nations Office
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The Committee notes with regret that the State party has not responded to the abovementioned letter and remains concerned that the allegations received may amount to a breach of the State party's obligation to recognize and protect the rights of the Bagyeli Indigenous Peoples to own, develop, control and use their traditional and communal lands, territories and resources.

The Committee would like to recall that it has previously addressed the situation of the Bagyeli Indigenous Peoples, including long-term leases of forest lands over Bagyeli ancestral lands, without consultation and free, prior and informed consent from these Indigenous Peoples.¹

In this regard, the Committee recalls its General Recommendation No. 23 (1997) on the rights of indigenous peoples and its concluding observations of 2010 (CERD/C/CMR/CO/15-18, para. 18) and of 2014 (CERD/C/CMR/CO/19-21, para. 16), in which it addressed the issue of Indigenous Peoples' land rights.

It further recalls its concerns expressed and 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 would like to receive a response to the above allegations by 15 March 2024. In particular, the Committee requests the State party to provide information on the measures taken to:

- (a) Suspend or revoke the oil-palm concession to CamVert 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;
- (b) Refrain from granting oil-palm concessions within the traditional lands of Indigenous Peoples, whether titled or not, without obtaining the free, prior and informed consent of the affected Indigenous Peoples;
- (c) Ensure that Indigenous Peoples have access to effective and prompt judicial and other remedies to seek protection for their rights;
- (d) Review the legislative framework on land ownership and compensation, to ensure the protection of the right of indigenous peoples to own, use, develop and control their lands, territories and resources; to incorporate the principle of free, prior and informed consent in domestic legislation, with indigenous peoples' participation; and to fully and adequately guarantee the right to consultation of indigenous peoples.

¹ [Letter of 10 May 2019](#).



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.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'V Shepherd'.

Verene Shepherd
Chair

Committee on the Elimination of Racial Discrimination