



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

Excellency,

I write to inform you that the Committee considered information received under its early warning and urgent action procedure, related to the situation of Bagyeli Indigenous Peoples in the Océan department in Cameroon.

According to the information received:

- By decree N° 2022/112 of 7 March 2022, the Cameroonian government granted a provisional concession to Cameroun Vert S.A. (CamVert) for the establishment of an oil palm plantation, under which it has granted a space of 39,923.0107 hectares for the development of an oil palm plantation;
- Under the attributing decree, CamVert has a priority to obtain two further parcels for the expansion of its activities which, if exercised, would bring the total area of the concession to approximately 60,000 hectares;
- A substantial portion of the concession area overlaps with the customary forest lands of the Bagyeli Indigenous Peoples, who live on and use these lands;
- The rapid deforestation of the traditionally owned Bagyeli lands and the planting of oil palms in the concession area which has already started, 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 acknowledging these rights, without their free, prior and informed consent, without just or equitable compensation, and without complying with applicable national law and international standards;
- The concession, which is being rapidly developed, 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;

H.E. Mr. Salomon Eheth
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- The concession has been granted despite ongoing legal claims introduced by six Bagyeli communities: (i) in November 2021 against the “degazettement” decision adopted in November 2019, of forest lands which were legally protected (“gazetted”) since 2005 from deforestation or conversion to an oil palm concession; and (ii) in November 2022 against decree N° 2022/112;
- Bagyeli communities that have sought a legal interim relief through the suspension of the “degazettement” as well as of decree N° 2022/112 of 7 March 2022 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, in particular the 1974 land law, because of the following factors: it only permits the registration of customary land which is considered to be “developed”; it provides very limited options for collective land titling; it only permits the registration of lands which were already under customary use in 1974, which is very difficult to demonstrate, given to the rotations agriculture practices of the Bagyeili; and, the procedure required to register customary lands is complex and expensive;
- As a result of these factors, the vast majority of customary lands of the Bagyeili 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;
- The current laws on customary ownership of land are particularly discriminatory against forest Indigenous Peoples due to the legal impossibility for them to register their collective ownership of “undeveloped” forest lands.

The allegations reviewed by the Committee, if verified, would amount to a breach of the State party duty 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

¹ [Letter of 10 May 2019.](#)



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 3 November 2023. 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.

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,

Verene Shepherd
Chair

Committee on the Elimination of Racial Discrimination