



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

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Excellency,

I would like to inform you that in the course of its 98<sup>th</sup> Session, the Committee on the Elimination of Racial Discrimination considered information received under its early warning and urgent action procedures related to the project of an oil palm plantation and its impact on the Bagyeli indigenous peoples in Cameroon, in particular the Bella Nkollo, Gwap and MOUNGUE communities.

The information received indicates that the State party has adopted a decree in December 2018 (Décret N° 2018/736) that grants a special derogation to the company Palm Resources Cameroon SA (Bioplam) for a long-term lease of forest lands over Bagyeli ancestral lands, without consultation and free, prior and informed consent from Bagyeli indigenous peoples.

According to the information received, Bagyeli communities face an imminent risk of dispossession of their lands and territories with no or inadequate compensation, following past cases of Bagyeli communities being removed from their land and living today in situation of extreme marginalisation and poverty.

The Committee is concerned about the limited recognition of and absence of protection of customary land rights. In particular, the legislation on land rights of 1974 regulating the registration of customary titles appears to include discriminatory provisions, in particular the requirement for the land to be “developed”. This provision prevents the legal recognition of collective land rights, since traditional use of forest areas by the Bagyeli communities does not leave traces or constitute “development”. Moreover, the legislation seems to fail to ensure collective land titling, in contradiction with the collective nature of customary use of the lands by Bagyeli communities.

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 and other indigenous peoples to own, develop, control and use their communal lands, territories and resources.

His Excellency Mr. Anatole Fabien Nkou  
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With regard to the information received, the Committee would like to recall the State party of the Committee's General Recommendation No. 23 on the rights of indigenous peoples (1997) as well as the recommendations made in paragraphs 14 and 16 of its concluding observations of September 2014, on indigenous peoples and land rights respectively (CERD/C/CMR/CO/19-21). Accordingly, the Committee requests the State party to provide information on the steps taken to:

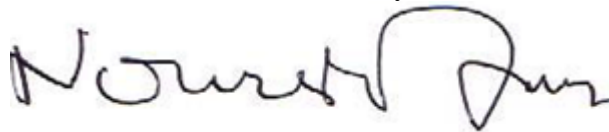
1. Ensure the right to consultation and free, prior and informed consent of Bagyeli communities affected by the long-term lease of forest lands to Palm Resources Cameroon SA (Biopalm) for oil palm plantation.
2. Consider providing immediate and comprehensive compensations and reparations, including returns to their lands, for the Bagyeli communities that have been removed from their traditional lands and territories.
3. Consider reviewing the 1974 land law to ensure recognition, protection and titling of indigenous peoples, including Bagyeli communities, over their traditional lands.

In this regard, the Committee encourages the State party to consider seeking assistance from the United Nations Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) that is mandated by the Human Rights Council (resolution 33/25, paragraph 2), to provide States with technical advice on the rights of indigenous peoples and facilitate dialogue between States, indigenous peoples and/or the private sector.

In accordance with article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee requests the State party to submit its response by 8 July 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,



Nouredine Amir  
Chair

Committee on the Elimination of Racial Discrimination