DECLARATION BY NGOS AND ASSOCIATIONS ABOUT LAND GRABBING BY THE GOVERNMENT AND BIOPALM ENERGY LIMITED

The undersigned national and international NGOs and associations held an emergency meeting in Yaoundé, at the request of the people of MOUNGUÈ, GWAP, NKOLLO and BELLA, in the districts of LOKOUNDJE and BIPINDI, department of Océan, South Region, following the issuance of a decree\(^1\) that allocates a large part of their ancestral lands to the Cameroonian company Palm Resources Cameroon Limited, subsidiary of the Singapore-based company Biopalm Energy Ltd ("Biopalm").

Following an introductory statement on the state of the land and resources in that area inhabited mainly by the BASSA‘A and BAKOKO communities and the BAGYELI Indigenous Peoples, we note that:\(^2\)

These communities mainly live off subsistence farming, hunting and gathering, i.e. their ways of life largely depend on living close to their forest. However, a good part of their land is already occupied by UFA 003 now owned by the Forestry Company of Kribi (FCK). This concession has an area of 129,188 hectares and access to community activities is now restricted, i.e. prohibited. Their ancestral lands are also affected by an exploration licence granted to GG-Stones Resources Ltd and several sales of standing timber allocated over the past few years. These operations have already seriously impacted the livelihoods of these communities, especially the Bagyeli communities who are particularly dependent on forest produce.

In 2012, a first Presidential Decree\(^3\) had allocated as a Provisional Concession to Biopalm an area of national land encompassing 3,348 hectares in “Bella”.\(^4\) This decree, in its Article 1, granted Biopalm a 3-year provisional concession and specified in its Article 5 that, after three years, Biopalm could conclude an emphyteutic lease (for no more than 99 years) with the state, provided it develops the land (according to its obligations as set out in the provisional concession).\(^5\)

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\(^1\) Decree No 2018/736 of 04 December 2018 authorising the signing by special exception of an emphyteutic lease between the state of Cameroon and Palm Resources Cameroon Ltd on land that is part of private state property.

\(^2\) In some cases, this information has been confirmed by written documents and in others, it has been provided by the affected communities.

\(^3\) No 2012/168 of 28 March 2012 allocating by temporary grant two areas of national land encompassing 3,348 hectares located in the area of BELLA, district of LOKOUNDJE, department of Océan.

\(^4\) Bella is located in the district of LOKOUNDJE, department of Océan, South Region.

\(^5\) Pursuant to Article 10(3) of Decree 76-166 of 27 April 1976 laying down rules for the management of national property.
A few months later, the state of Cameroon “changed” the designated use of part of UFA 003 (i.e. 21,552 hectares of forest), then Permanent Forest Estate, to “agricultural production”. In principle, this area should have gone through a declassification process, which most likely did not take place. This designated use expanded Biopalm’s plantation over the ancestral lands of the villages of Nkollo, Gwap and Mounguè.

The communities that will be affected by this plantation have long spoken out against this project, unanimously in 3 of the 4 affected villages. On 31 August 2015, the Development Committee of the villages of NGOG TIJA (a sacred site of the villages of Nkollo, Gwap and Mounguè) sent another letter to the Minister of State Property, Surveys and Land Tenure with the following subject matter: “Inhabitants of the villages of NKOLLO, GWAP and MOUNGUÈ opposing BIOPALM project implementation”. On 27 May 2016, these four communities sent the President of the Republic a letter titled “Opposing land grabbing from the Bagyeli, Bassa and Bakoko communities of the villages of Mounguè, Gwap, Nkollo and Bella in the districts of Bipindi and Lokoundjé, department of Océan, South Region” in which they opposed the establishment of that company on their land. This shows that the communities are clearly and strongly committed to oppose by all legal means the grabbing of their lands.

As a result of these letters, a meeting was convened and chaired by the Prefect of Océan, after which the communities reaffirmed their position in the presence of Biopalm’s representative. Another meeting was reportedly held with the village chiefs without the presence of Bagyeli community representatives to agree on the demarcation of the concession boundaries. A position that is and remains different from that of their communities.

Some time later, through applications dated 30 November 2018 and 29 December 2018, these communities committed to create, through legal entities representing them, three community forests, namely in MOUNGUÈ, GWAP and NKOLLO. These applications followed a commitment by the Departmental Delegation of the MINFOF to support these processes. Now, despite all the financial and human sacrifices made (often with support from some external organisations) to work up proposals, those projects are in danger because of the lack of spaces available.

Worse still, ignoring their concern, while it is hard to bring Community Forest proposals to fruition, a new Presidential Decree from 04 December 2018 adds fuel to the fire, authorizing the signing by special exception of an emphyteutic lease between the state of Cameroon and PALM RESOURCES CAMEROON LTD (national subsidiary of Biopalm) on an area of 18,365 ha 07 a and

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6 Under Decree No 2012/3509 of 1 November 2012 on the rezoning of an area of forest of 21,552 hectares that is part of Private State Property
98 ca that is part of state property. This decree informs the communities that the State holds Land Title No 8414/Océan, with no prior consultations having been conducted.

The establishment of palm plantations in that area would result in permanent and irreversible disruptions to the Indigenous Bagyeli Peoples’ way of life. In addition to the disagreements about the establishment of that firm, the case planned to be filed before the courts to challenge this Presidential Decree states that the communities have not been adequately consulted and did not give their consent in accordance with Cameroon’s international obligations. Almost all agri-businesses established in this geographical area have brought desolation to local and indigenous communities.

In light of the above, we, the undersigned NGOs and associations, concerned with preserving local and indigenous communities’ lands and resources and ensuring respect for and protection of their (nationally and internationally recognized) rights:

- Support and encourage these communities and stand ready to lend a hand to any initiatives aimed at preserving and protecting their spaces and resources.
- Call on Cameroon’s government – considering the overlap between Biopalm’s concession and the community forest – to prioritise indigenous peoples’ access to land by issuing the community forest documents requested by them.
- Call on governmental authorities to ensure absolute transparency in large-scale land acquisition processes, as well as the securing of customary rights in laws and regulations, including in the land reform.
- Call on public authorities and investors to reconsider their approach and to protect the land and territories of local communities and Bagyeli indigenous peoples, in accordance with the international instruments to which Cameroon is party.

Yaoundé, 8 May 2019.

SIGNATORIES
ARBO

Association des Représentants des Bagyelis de Océan

Plateforme Nationale des Peuples Autochtones de la Forêt

Bagyeli Cultural and Development Association

GREENPEACE AFRICA

Inades

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